



WATER-RIGHT DOCKET

Haleakala National Park

Docket No: 3

KAUPO SPRINGS

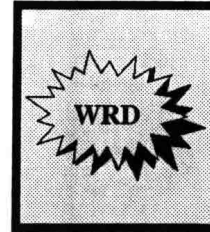
State Water Rights Documentation

04-05-1993: fax cover sheet from nps to supt. don reeser



NATIONAL PARK SERVICE
WATER RESOURCES DIVISION
FORT COLLINS, COLORADO

FAX #: (303) 225-9965
VERIFICATION #: (303) 225-3500



DATE 5 April 1993

TO

NAME Supt. Don Reeser

GROUP HALE

CITY, STATE Maui, Hawaii

MAIL CODE _____

OFFICE PHONE (808) 572-9306

FAX NUMBER (808) 572-1304

VERIFICATION _____

FROM

NAME Jeff Hughes

GROUP Water Rights Branch

TOTAL NUMBER OF PAGES (INCLUDING COVER SHEET) 4

SPECIAL INSTRUCTIONS

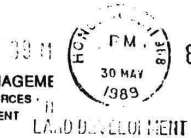
Don, As we discussed, there is the registration
of Kaupo Ranch for the Manawainui intake
diversion. Is this the same one? note the thicker
line that goes through the first "A" in MANAWAINUI,
I think it may be the park boundary, according to the
State

Receipt Verified By _____ Date _____ Time 10/1

Form 8810-2



STATE OF HAWAII
COMMISSION ON WATER RESOURCE MANAGEMEN
DEPARTMENT OF LAND AND NATURAL RESOURCES
DIVISION OF WATER RESOURCE MANAGEMENT



REGISTRATION OF STREAM DIVERSION WORKS
AND
DECLARATION OF WATER USE

INSTRUCTIONS: Please type or print. If information is not available or not applicable, indicate as N/A. Fill out as completely as possible, sign, and mail form to the Division of Water Resource Management, P.O. Box 373, Honolulu, Hawaii 96809. Phone 548-3948 or 548-7543 for assistance.

MULTI-SOURCE SYSTEMS: For a system of two or more diversion structures, submit a single package to describe the complete system. Include a single location map (or a set of maps if required) showing all diversion structures and measurement points, and a separate copy of this form for each structure and measurement point. On forms describing diversion structures, complete parts A, B, D, and E. On forms describing measurement points, complete parts A, B, and F.

STREAM NAME: Panilei hulu and Healanii ISLAND: Mau
DIVERSION STRUCTURE NAME: Manawainui Intake
DIVERSION SYSTEM NAME: _____

A. DIVERSION WORKS OPERATOR

Firm name: Kaupo Ranch
Contact person: James H. Neekhof
Address: 1526 Haleme St,
Kihikihi HI
Zip: 96753 Phone: 879-1484

B. OWNER OF DIVERSION WORKS SITE

Firm name: State of Hawaii
Contact person: _____
Address: _____
Zip: _____ Phone: _____

C. STREAM DIVERSION LOCATION

Tax Map Key: 1-7-04:06 Town, Place, District: Kaupo
Attach USGS "Quad" map (scale 1:24,000), tax map, or other map showing the diversion location.

D. STREAM DATA - Both streams

Streamflow at diversion site is: ☐ Perennial (Water is always flowing) ☒ Intermittent (Channel is sometimes dry)
Is streamflow gaged? ☐ Yes ☒ No
If yes, provide gage name, and show location on map. Name: _____
Average flow before diversion: _____ ☐ mgd ☐ gpm ☐ cfs

E. DIVERSION STRUCTURE DATA

Year constructed: N/A Elevation (above mean sea level): 5,200'
Diversion structure is: ☒ Concrete ☐ Wood ☐ Pipe ☐ Other (Describe): _____
Diverted flow is: ☒ Controlled ☐ Uncontrolled
Divertable capacity is: _____ ☐ mgd ☐ gpm ☐ cfs

Submit an "as-built" drawing and dated photograph of the diversion works, if available.

... (continued over)

For Official Use Only:

Date received: _____ Date accepted: _____
Field checked by: _____ Date: _____ Latitude: _____ Hydrologic Unit: _____
Comments: _____ Longitude: _____ State Diversion No.: _____

References: Hawaii Revised Statutes, Chapter 174C.
Hawaii Administrative Rules, Chapters 13-167 to 13-171.

F. DECLARATION OF WATER USE

NOTE: The purpose of the Declaration of Water Use is to obtain information necessary for the management of the State's water resources. The Declaration does not confer a legal right to water or its use.

Location and name of measurement point (Show on location map): _____

Water use data are recorded: ☒ Continuously ☐ Daily ☐ Other: _____

Method of measurement (Check box and describe below): ☐ Weir ☐ Rating flume ☐ Other

Description: _____

Quantity of Use (Report gaged or estimated monthly water use from the diversion described on the reverse side of this form, for the calendar years 1983 through 1987):

WATER USE, IN million gallons (unit of measurement)

	1983	1984	1985	1986	1987
January					
February	.131	.093	.097	.151	.342
March					
April	.132	.084	.075	.171	.164
May					
June	.187	.149	.136	.088	.169
July					
August	.194	.134	.160	.075	.273
September					
October	.170	.129	.164	.065	.203
November					
December	.140	.071	.194	.060	.175
ANNUAL	.954	.660	.826	.610	1.326

Typical times of usage: _____

Type of Use (Check all category boxes that apply and provide additional information as indicated.):

Category

☐ Municipal (including resorts, hotels, businesses)

☒ Domestic (systems serving 25 people or less)

☐ Irrigation

☐ Industrial

☐ Military

☐ Other

Additional Information

Private Water Users _____

Number of service connections: 10

Acres Irrigated: _____

Crop(s): ☐ Sugar ☐ Pineapple

☐ Other (specify): _____

Non-Crop: ☐ Landscape ☐ Golf Course

☐ Other (specify): _____

Method: ☐ Drip ☐ Furrow ☐ Sprinkler

☐ Cooling ☐ Manufacturing ☐ Mill

☐ Other (specify): _____

Specify (livestock, hydroelectric, aquaculture, etc.): _____

Location of Use (Describe the location of water use, relative to the diversion, and indicate on location map. If water is used by others, submit a list of their names and addresses):

Kaupo Ranch - community

I declare that the contents of the above Declaration of Water Use are, to the best of my knowledge and belief, true, correct, and complete.

Water User's Signature: Vince G. Baghyo, Jr. Date: 7/24/89

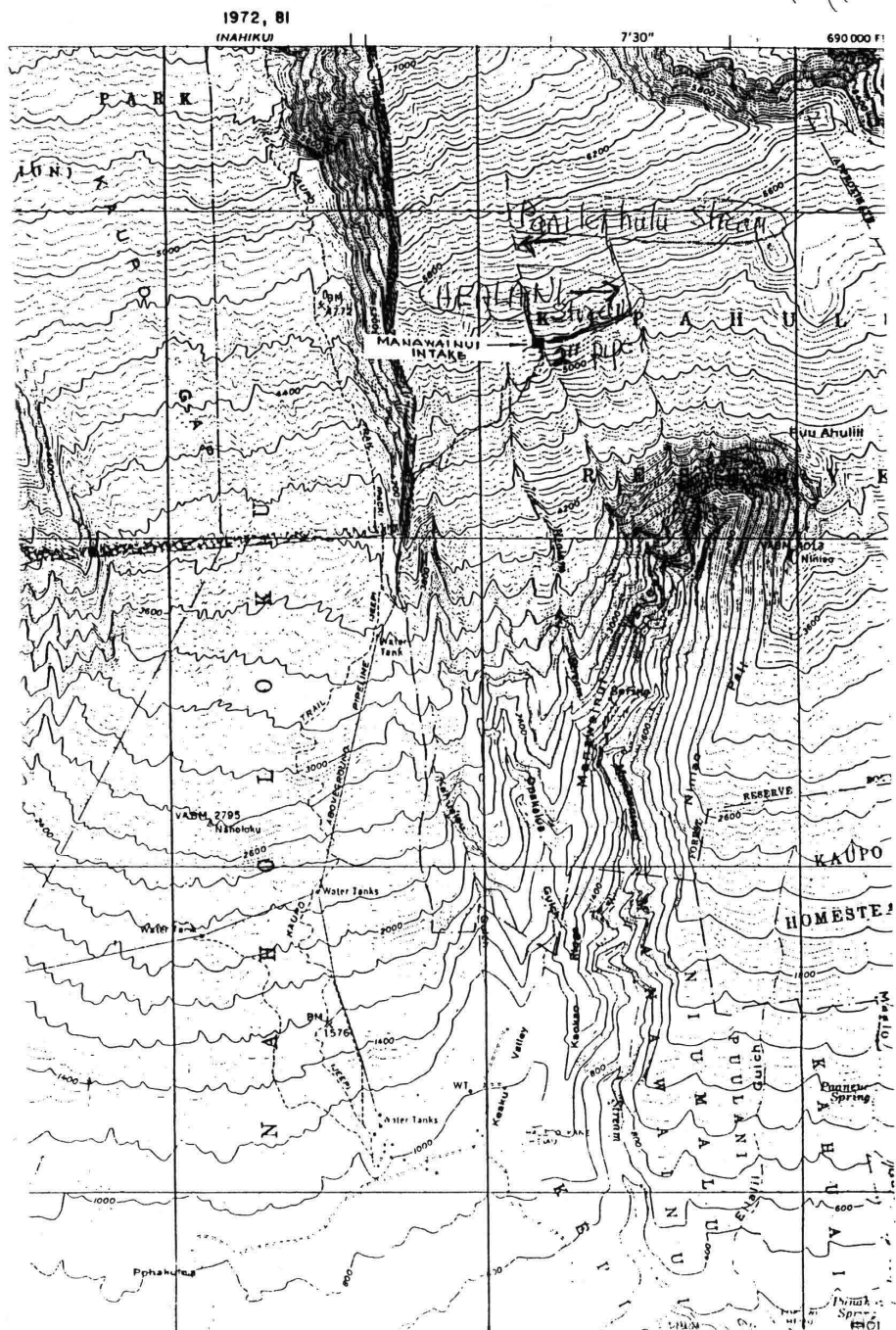
Printed Name: Vince G. Baghyo, Jr.

Firm or Title (Diversion Operator, etc.): Director of Department of Water Supply

County of Maui

STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
DIVISION OF WATER AND LAND DEVELOPMENT

*Kaupo
quadrangle
7.5 minute series
1957*



Land History



IN REPLY REFER TO:

United States Department of the Interior

NATIONAL PARK SERVICE
Haleakalā National Park
P.O. Box 369
Makawao, Maui, Hawaii 96768



L54

April 9, 1993

MEMORANDUM

To: Water Resources Division, Fort Collins
Attention: Jeff Hughes-Water Rights Branch

From: Superintendent, Haleakalā N. P.

Subject: Kaupō Ranch Water

Thank you for your April 5 Fax of Kaupō Ranch water registration application documents. To the best of our knowledge the Panileihulu Stream is the only park source Kaupō Ranch is currently using. In the past, the ranch used Healani Stream but was discontinued when Panileihulu was tapped, however there are still pipes on the ground to both.

The ranch's positioning of the Panileihulu source fairly closely coincides with the NPS positioning. In either case both are well within the park boundary inside our goat/pig control fence. Enclosed is a 1987 boundary survey report which documents the coordinates and elevation of the park boundary. The USGS map is the same one used by the park, ranch and surveyor.

Also enclosed is a copy of the deed showing the transfer of Parcel 1 (tract 01-114) from the State of Hawaii in 1970. The description of the lands involved indicate the park boundary shown on the USGS map accurately represents the park boundary verifying that the source of Kaupō water is well within Haleakalā National Park. The thicker line that goes through the "A" in MANAWAINUI depicted on the ranch's registration map is no longer the park boundary since the addition of tract 01-114.


Donald W. Reaser

Enclosures

RANDALL SHERMAN LAND SURVEYOR

December 18, 1987

File
OFFICE:
1371 Lower Main Street
Unit #2 244-9096
MAILING ADDRESS:
P.O. Box 158
Kahului, Maui, Hawaii 96732

Mr. Ronald Magata
Chief of Resource Management
Haleakala National Park

RE: Position data for control and boundary markers at the Kuiki
Planeze.

Dear Mr. Magata:

Tabulated below are the coordinates and elevations for all control and
5,000 foot contour markers placed above Kipahulu. Attached is a
graphic tabulation superimposed on the contract map.

Point	Description	Coordinates	Elevation
C 1	Haleakala Trig Sta	N 0 E 0	8,201
C 2	Haleakala Ridge	N 715 E 663	7,769
C 3	Kaupo Gap Floor	S 1,852 E 7,420	5,168
C 4	East Ridge	S 2,505 E 13,173	5,989
C 5	Ridge Control	S 3,256 E 13,530	5,729
C 6	Camp Puu	S 3,623 E 20,637	5,255
C 7	Camp Puu 2	S 3,590 E 20,776	5,262
B 1		S 5,342 E 13,483	5,004
B 2		S 5,215 E 14,108	5,003
B 3		S 5,081 E 14,402	5,012
B 4		S 4,674 E 14,898	5,001
B 5		S 4,948 E 15,232	5,006
B 6		S 4,716 E 15,868	5,001
B 7		S 4,599 E 16,369	5,007
B 8		S 4,484 E 16,827	5,007
B 9		S 3,961 E 17,188	5,002
B10		S 4,086 E 17,715	5,004
B11		S 3,963 E 18,176	5,000
B12		S 3,846 E 18,517	5,006
B13		S 3,702 E 18,832	5,009
B14		S 3,850 E 19,712	5,002
B15		S 4,132 E 21,091	5,003
B16		S 3,899 E 21,630	5,008
B17		S 3,555 E 22,195	5,006
B18		S 3,017 E 23,066	5,008
B19		S 2,424 E 24,079	5,019

Thank you for allowing us to assist you on this contract.

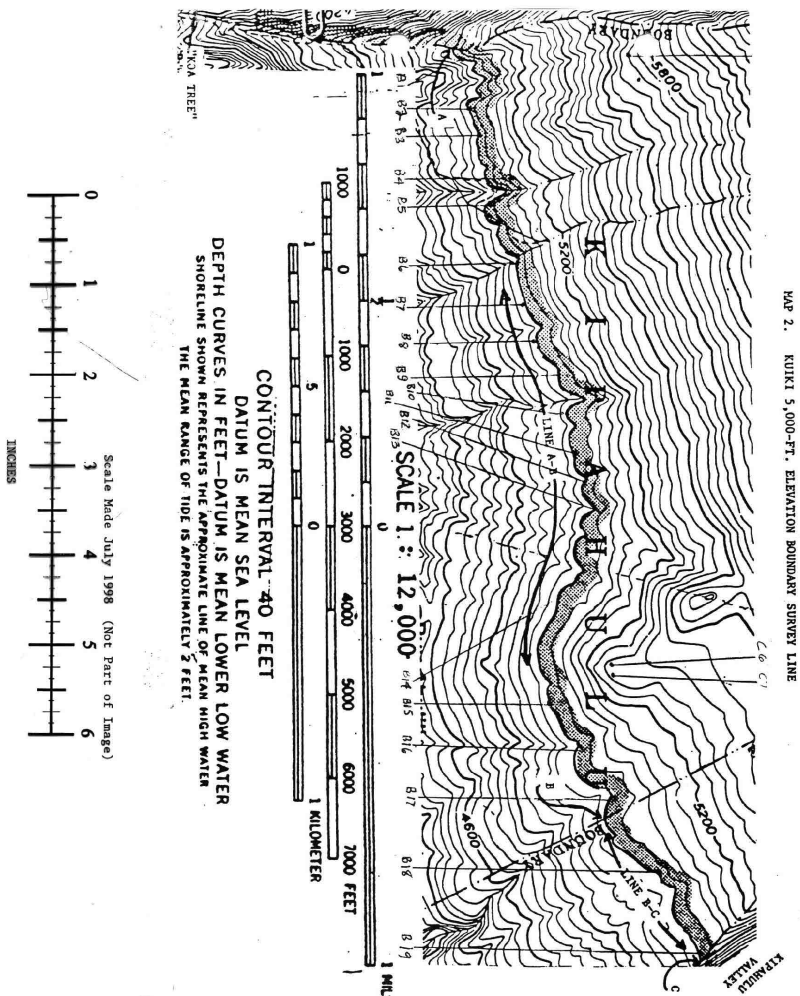
Sincerely yours,



Randall Sherman, R.L.S.

enc.

cc. Nelson Yuen





IN REPLY REFER TO:

United States Department of the Interior

NATIONAL PARK SERVICE
WESTERN REGION
450 GOLDEN GATE AVENUE, BOX 36063
SAN FRANCISCO, CALIFORNIA 94102

RECEIVED

APR 11 1975

ALLIANCE NAT'L PARK

L1425(WR)ML

HALE

April 7, 1975

Tr. 01-112, 114, 03-118, 119,

122, 127, 136 & 109

State of Hawaii

✓	Superintendent
	Admin. Officer
	Chief, Maint.
	Inform. Spec.
	Crater D. R.
	Kilauea D. R.
	Perman. Staff
	Seasonal Staff

Memorandum

To: Superintendent, Haleakala

From: Associate Regional Director, Park System Management, WR

Subject: NOTIFICATION OF CLOSING

Title to the following parcel of land passed to the United States:

- a. Tract No. See above b. Acreage 5,724.039
- c. Improvements ☐ Yes ☒ No d. Consideration Donation
- e. Date Title Passed April 19, 1974 f. Keys to Property N/A
- g. Probable Date Vendor to Vacate Premises N/A
- h. Name and Address of Vendor State of Hawaii
Governor of Hawaii
Executive Chambers
Honolulu, Hawaii
- i. Location of Property N/A

Deed #11

Lyle M. Maxwell

Enclosures

Appraisal-Report-
Deed & Land Patent S-14,945
Final Title Opinion



STATE OF HAWAII

Land Patent No. S-14,945

(Grant)

Issued On

Agreement between the State of Hawaii and the United States of America, said Agreement being reflected in the covenants herein contained.

By THIS PATENT the State of Hawaii, in conformity with the laws of the State of Hawaii relating to public lands and pursuant to the approval by the Board of Land and Natural Resources on the 25th day of June, 1971,

makes known to all men that it does this day grant and confirm unto

THE UNITED STATES OF AMERICA,
hereinafter called the "PATENTEE,"

for the consideration of the sum of ONE DOLLAR (\$1.00), the receipt and sufficiency whereof is hereby acknowledged, and of the mutual covenants and agreements herein contained,

all of the land situate at Kaupo, Kipahulu, Koolau, Papauluana, Alaeiki and Alaenui, Kipahulu, Hana, Maui, Hawaii, being Parcels 1, 4, 5 and 6 as described in Exhibit "A" and shown on State Survey Map CSF 16,121 -16,124, Exhibit "B" and Parcels 8 and 9 as described in Exhibit "C" and shown on Hawaii State Survey Plat 1097, Exhibit "D", all attached hereto and made a part hereof.

TOGETHER with the right to develop water from the lands herein granted for use in the operation of the Kipahulu section of Haleakala National Park.

RESERVING, HOWEVER, TO THE STATE OF HAWAII, hereinafter called the "PATENTOR," its successors and assigns, the following:

1. All minerals in, on or under said land together with the right, on its own behalf or through persons authorized by it, to enter, sever, prospect for, mine and remove such minerals by deed mining, strip mining, drilling and any other means whatsoever, and to occupy and use so much of the surface of the ground as may be required therefor; provided, that the right to prospect for, mine and remove minerals from

the lands herein granted shall not be exercised by the Patentor, its successors and assigns, so long as said lands are used for national park purposes.

2. All surface and ground waters appurtenant to the Water Resources Development Zone described in Exhibit "E" and shown on Exhibit "F", Hawaii State Survey Plat 1098, which are attached hereto and made a part hereof subject as aforesaid, and the right on its own behalf or through persons authorized by it, to capture, develop, divert, store, take and utilize the same and to occupy and use so much of said lands as may be required in the exercise of this reserved right; provided that, subject to seasonal variations, sufficient surface water shall be permitted to flow downstream from any and all diversion structures to keep pools full and streams and waterfalls continuously flowing.

3. All public utility and pipeline rights of way and the existing public road, together with the right to relocate and improve the same, subject to the prior written approval of the Patentee.

The foregoing rights retained by the Patentor for itself, its successors, assigns, lessees, permittees and licensees, shall be subject to the following:

a. All construction shall be within the Water Resources Development Zone, and no works for surface water storage shall be constructed within Oheo Gulch below 400 feet mean sea level;

b. Prior to any construction, all plans shall be submitted to the Patentee;

c. Design and construction of facilities for the development of water resources shall follow the best practices prevailing at the time development is undertaken, except that where such construction conflicts with park values and uses the Patentee may require the Patentor to redesign the work, in which case the Patentee shall pay any extra costs arising from such changes;

d. All construction shall be performed in such a manner as to cause minimum disturbance to the surrounding area and areas damaged by construction shall be repaired and replanted so as to blend with the surrounding area;

e. The Patentee shall have the right to use for national park purposes any roads constructed for water resources development in which case the Patentee shall share in the maintenance of such roads, subject to the availability of funds.

THE PATENTEE further agrees:

THAT the lands herein conveyed, except for the Water Resources Development Zone, shall be maintained in such a manner as to preserve their natural wild state;

THAT within the conditions imposed by existing law, the Patentor shall be authorized to transport the reserved

water developed herein across lands of the Patentee, and shall be granted access over said lands to the lands herein conveyed;

THAT, where required for exotic animal control in the lands conveyed, the Patentee shall continue the practice of using deputy park rangers for such control in areas to be determined by the Patentee in consultation with the Patentor.

THE PATENTEE covenants with the Patentor that the use and enjoyment of the lands herein conveyed shall not be in support of any policy which discriminates against anyone based on race, color, creed or national origin.

TO HAVE AND TO HOLD said granted land unto the said

THE UNITED STATES OF AMERICA, forever, PROVIDED, HOWEVER, that if any part or the whole of the lands conveyed shall be abandoned or shall cease to be used for national park purposes for two (2) consecutive years, such part or the whole of said lands shall automatically revert to the Patentor and resume the status of public lands of the State of Hawaii.

IN WITNESS WHEREOF, the State of Hawaii, by its Board of Land and Natural Resources, has caused the Seal of the Department of Land and Natural Resources to be hereunto affixed and this Patent to be duly executed this 11th day of January, 1974.

ACCEPTED BY THE UNITED STATES OF AMERICA:

STATE OF HAWAII
Board of Land and Natural Resources

By Rogers B. Minton
Its Secretary of the Interior

By James K. Kato

APPROVED AS TO FORM:

By Mosses K. Kato

William D. Watson
Deputy Attorney General
Dated: July 1, 1973

Written by: bys



STATE OF HAWAII

SURVEY DIVISION

DEPT. OF ACCOUNTING AND GENERAL SERVICES
HONOLULU

July 8, 1970

C.S.F. No. 16,121

ADDITION TO HALEAKALA NATIONAL PARK

PARCEL 1

Kaupo, Hana, Maui, Hawaii

Being a portion of the Government Land of Kaupo lying mauka or north of the 5000-foot contour line between the Kaupo-Kipahulu boundary line and the Haleakala National Park.

Beginning at the north corner of this parcel of land, on the top of the ridge between Haleakala Crater and Kipahulu Valley, said point being also on the boundary between the Lands of Kaupo and Kipahulu, the coordinates of said point of beginning referred to Government Survey Triangulation Station "POHAKU PALAHA" marked by a "+" on large flat rock called "Pohaku Oki Aha," being 6557.5 feet South and 2431.7 feet East, as shown on Government Survey Registered Map 2837, thence running by azimuths measured clockwise from True South:-

1. Along the top edge of the pali, (L.C. Award 11216, Apana 26 to M. Kekauonohi) along the southwesterly side of Kipahulu Valley to the north-west corner of the land of Kaupahu, the direct azimuth and distance being: 303° 10' 7150.0 feet;
2. Down along the middle of Kalepa Stream, along the land of Kaupahu (L.C. Award 8559-B, Apana 19 to W.C. Lunalilo) to the 5000-foot contour line, the direct azimuth and distance being: 325° 28' 30" 4706.0 feet;
3. Thence following along the 5000-foot contour line, along the remainder of the Government Land of Kaupo to the rim of Haleakala Crater, the direct azimuth and distance being: 60° 10' 8200.0 feet;

EXHIBIT "A"

CSF NO. 16,121

-2-

July 8, 1970

Thence following along the rim of the Haleakala Crater, along the Haleakala National Park, the direct azimuths and distances between points along said rim being:

4. 175° 20' 8550.0 feet;
5. 222° 50' 1050.0 feet to the point of beginning and containing an Area of 1,070 Acres.

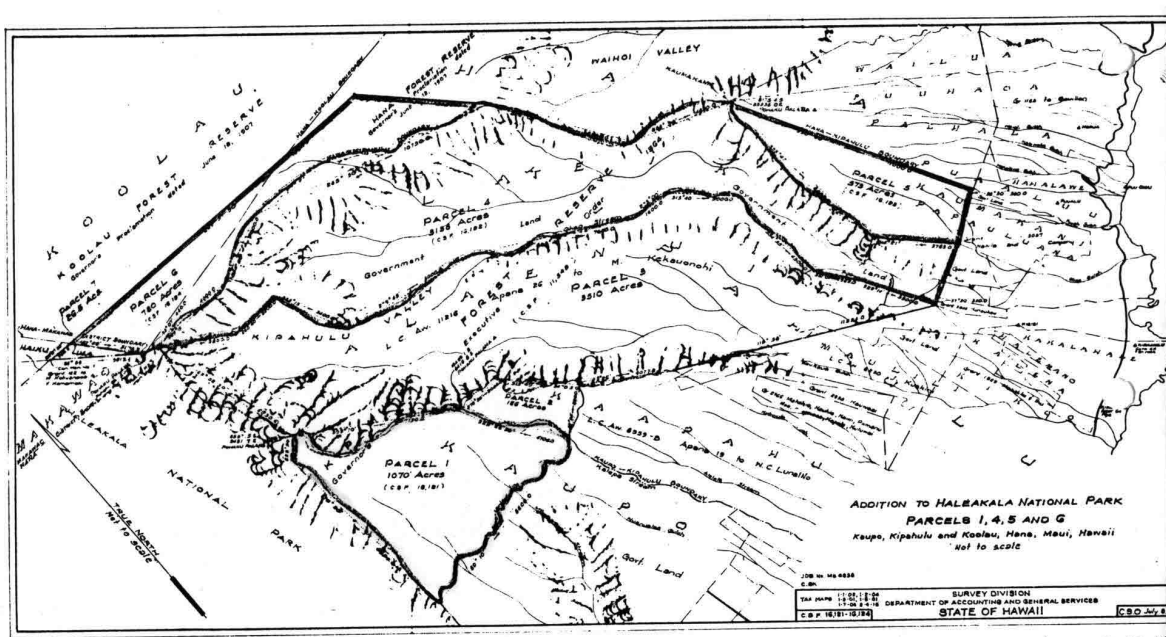
SURVEY DIVISION
DEPARTMENT OF ACCOUNTING AND GENERAL SERVICES
STATE OF HAWAII.

By: Robert T. Hashimoto
Robert T. Hashimoto
Land Surveyor

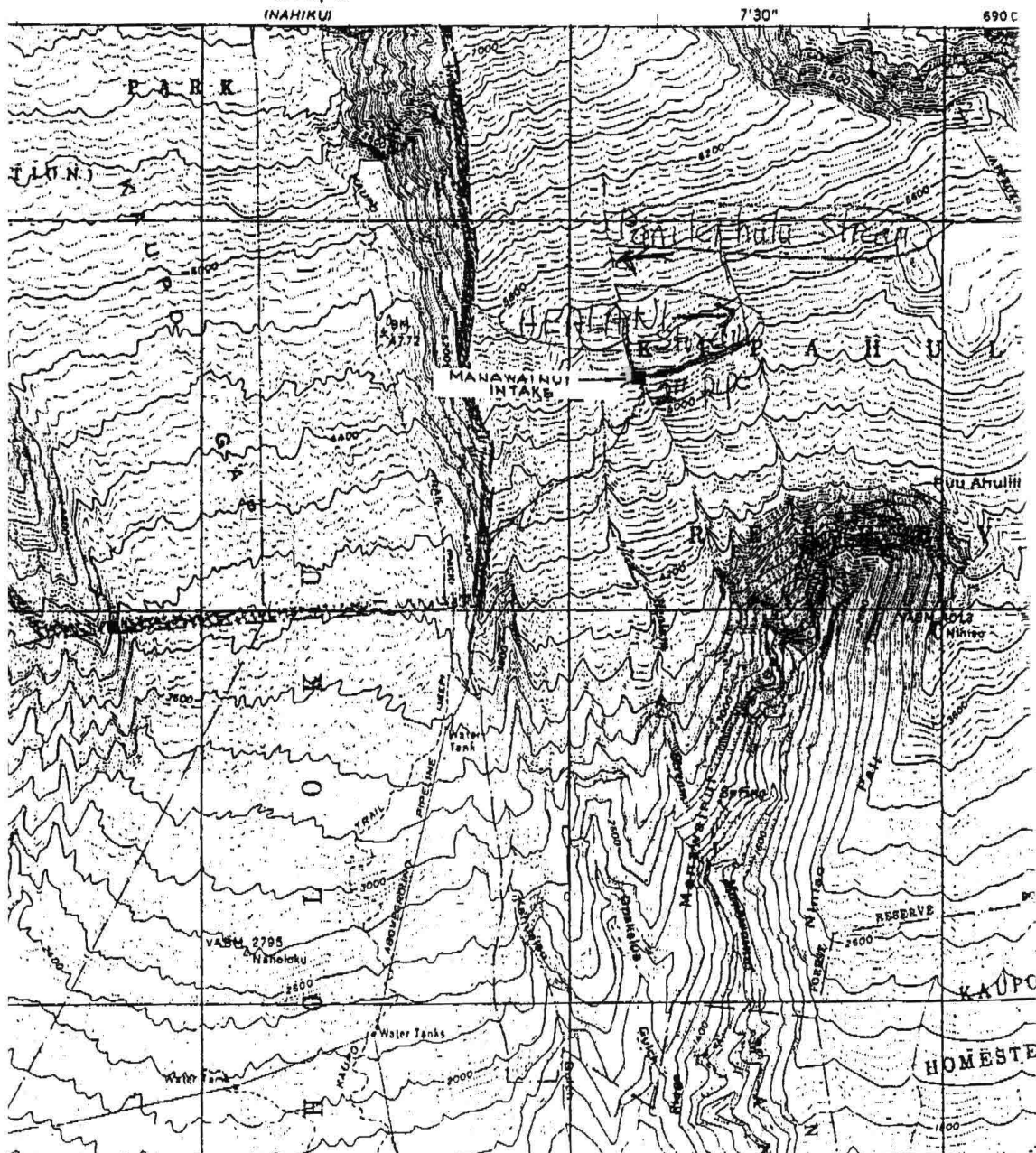
js

Compiled from CSF 11,037
and Govt. Survey Records.

Compared with CSF 11,037 S. Hashimoto
July 7, 1970



1972, 81
(NAHIKU)



Other Supporting Information

January 7, 1994

L54(479)
HALE/Water Rights

Memorandum

To: Superintendent, Haleakala National Park
From: Owen R. Williams, Chief, Water Rights Branch
Subject: Water Right Implications at Kaupo Springs

Attached is the recent documentation from the State of Hawaii regarding National Park Service (NPS) water right concerns at Kaupo Springs within Haleakala National Park. The response from the State is consequential, and allows for future withdrawals from the springs to occur with little opportunity for the NPS to intervene.

As stated in the October 15, 1993 memo from W. Mason Young (Division of Land Management), to Rae Loui (Commission of Water Resource Management), the State holds the view that it has retained some type of reserved right to all waters appurtenant to a "Water Resources Development Zone" for future development, as long as "sufficient surface water shall be permitted to flow downstream from any and all diversion structures to keep pools full and streams and waterfalls continuously flowing." The term "Water Resources Development Zone" is not defined in the Hawaii State Water Code or in the Administrative Rules to the State Water Code.

This statement from the State, if correct, implies the possibility of an increase in water withdrawals from the Manawainui Intake on Kaupo Springs by the registered (or possibly other) users on the Spring. As you are aware, if an increase in withdrawals were to occur, the flora and fauna relying on the existing water conditions may be adversely impacted.

The Water Resources Division (WRD) recommends that park management seek clarification from the Office of the Solicitor and/or the Regional Lands office on the Land Patent referenced in the memo dated October 15, 1993. The State's interpretation of this Land Patent has significant implications for future increases in diversion from water sources on NPS lands. The WRD is available to assist you in framing questions for the Solicitor.

For the present, we recommend that the park consider monitoring the amount of water flowing from the spring that is not collected by the diversion structure. This data will assist the NPS in

2

determining water needs for the flora and fauna which rely on water from the spring area and may be useful for describing "sufficient surface water...to keep pools full and streams and waterfalls continuously flowing."

Other actions which would help establish NPS uses of the spring would be inventories of the biota which inhabit the spring or otherwise rely on the spring as a water supply or habitat. With this type of data, the NPS would be in a better position to determine possible impacts due to increases in withdrawals.

If you have any questions concerning this issue, please contact me or Jeff Hughes at (303) 225-3505, or (303) 225-3527, respectively.

Owen Williams

Attachments

cc: (all w/Attachments)
SOL (San Francisco) - Mihan
PAR - Director, Tiernan
WR - Kolipinski
479 - Kimball, Walker, McGlothlin, Perea

FN:P:JHUGHES:ms:(303)225-3506:01/07/94:S:\WRB\JCH\HALEKAPO.MEM

JOHN WAIHEE
GOVERNOR OF HAWAII



STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
COMMISSION ON WATER RESOURCE MANAGEMENT

P.O. BOX 621
HONOLULU, HAWAII 96809

KEITH W. AHUE
CHAIRPERSON

JOHN C. LEWIN, M.D.
ROBERT S. NAKATA
J. DOUGLAS ING, ESQ.
RICHARD H. COX, P.E.
GUY K. FUJIMURA

RAE M. LOUI, P.E.
DEPUTY

DEC 28 1993

Mr. Owen R. Williams
Chief, Water Rights Branch
National Park Service
Water Resources Division
1201 Oak Ridge Drive, Suite 250
Fort Collins, Colorado 80525

Dear Mr. Williams:

Some time ago, your office had inquired about the use of water from Kaupo Springs in the Haleakala National Park on the island of Maui.

As you had indicated, the Kaupo Springs is located on former State of Hawaii land that had been transferred to become a part of your Haleakala National Park. Because of their involvement in the land transaction, the Division of Water Resource Management was asked to comment on the disposition of the water source facility. The Division's response, herewith enclosed, essentially says that the State retains the right to the use of waters in the "Water Resources Development Zone", and may authorize others on its behalf to use the resource.

We apologize for not getting back to you sooner on this matter.

Sincerely,

A handwritten signature in dark ink, appearing to read "Rae M. Loui".

RAE M. LOUI
Deputy Director

GSM:fc

encl.

SENT BY:DWRM

1- 5-94 ; 9:53AM ;

DWRM→

303 221 8315;# 3

JOHN WAHEE
GOVERNOR OF HAWAII

STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
DIVISION OF LAND MANAGEMENT
P.O. BOX 481
HONOLULU, HAWAII 96808

AQUACULTURE DEVELOPMENT
PROGRAM
AQUATIC RESOURCES
CONSERVATION AND
ENVIRONMENTAL AFFAIRS
CONSERVATION AND
RESOURCES ENFORCEMENT
CONVEYANCES
FORESTRY AND WILDLIFE
HISTORIC PRESERVATION
PROGRAM
LAND MANAGEMENT
STATE PARKS
WATER AND LAND DEVELOPMENT

OCT 15 1993

Ref:LM-PO

MEMORANDUM

Refer MA-13:6913

TO: Rae M. Loui, Deputy Director
Commission of Water Resource Management

FROM: W. Mason Young
Land Management Administrator

SUBJECT: Request for Information on Water Use from Kaupo
Springs, Haleakala National Park

RECEIVED
OCT 15 1993
COMMISSION ON WATER
RESOURCE MANAGEMENT
P2: 13

This acknowledges receipt of your September 2, 1993 memorandum requesting information on water use from Kaupo Springs, Haleakala National Park. Specifically, you are inquiring whether the taking of water from Kaupo Springs in Haleakala National park, portions of which were formerly State property, must legally be shared with others.

The Land Patent for the subject property states, in part, in No. 2 of the reserved rights for the State of Hawaii that "...all surface and ground waters appurtenant to the Water Resources Development Zone...the right on its behalf or through persons authorized by it, to capture, develop, divert, store, take and utilize the same and to occupy and use so much of said lands as may be required in the exercise of this reserved right; provided that,...sufficient surface water shall be permitted to flow downstream from any and all diversion structures to keep pools full and streams and waterfalls continuously flowing."

In reviewing this clause, it appears that the State has the right to authorize itself or individuals to utilize water from these springs as long as there is sufficient downstream flow to keep the pools and streams and waterfalls continuously flowing. As long as these individuals are registered users of the spring, use of the water cannot be denied.

SENT BY:DWRM

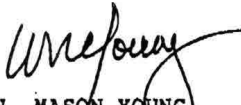
; 1- 5-94 ; 9:54AM ;

DWRM→

303 221 8315;# 4

Ms. Rae M. Loui
Page 2

If you may have any questions, please contact the
Maui District Land Office at 243-5352.


W. MASON YOUNG

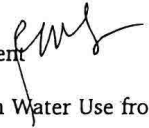
cc Maui District Land Board Member
Maui District Land Office

RECEIVED
DIVISION OF
LAND MANAGEMENT
State of Hawaii
DEPARTMENT OF LAND AND NATURAL RESOURCES
Commission on Water Resource Management
Honolulu, Hawaii
SEP 7 10 40 AM '93

SEP -2 1993

MEMORANDUM

TO: Mr. Mason Young, Administrator
Land Management Division

FROM: Rae M. Loui, Deputy for Water Resource Management 

SUBJECT: Request for Information on Water Use from Kaupo Spring,
Haleakala National Park

Your assistance is requested in researching the property transfer documents involving the use of water from Kaupo Spring in Southeast Maui.

Specifically, the National Park Service is inquiring whether the taking of water from Kaupo Spring in Haleakala National Park, portions of which were formerly State property must legally be shared with others. Enclosed is a recent letter from the National Park Service including a copy of the Land Patent for the property in question.

Thank you in advance for your assistance. If you have any questions, please call Paul Haraguchi at 587-0265.

PH:ky
enclosure

c: Mr. Owen R. Williams, National Park Service

SEP 16 1993

SENT BY:DWRM

; 1- 5-94 ; 9:55AM ;

DWRM-

303 221 8315:# 6



IN REPLY REFER TO:

United States Department of the Interior

NATIONAL PARK SERVICE

Water Resources Division
1201 Oak Ridge Drive, Suite 250
Fort Collins, Colorado 80525

July 7, 1993

93 JUL 12 10:40

COMMISSION ON WATER
RESOURCE MANAGEMENT

L54(479)
HALE/Water Rights

Ms. Rae M. Loui
Deputy Director
State of Hawaii
Department of Land and Natural Resources
Commission on Water Resource Management
P.O. Box 621
Honolulu, HI 96809

Re: Land Status of Manawainui Intake within Haleakala National
Park (Your file reference: U S PARKS MAUI)

Dear Ms. Loui:

As discussed in a recent telephone conversation between David Higa of your staff and Jeffrey Hughes of my staff, please find enclosed the documentation necessary to confirm National Park Service (NPS) ownership of the land upon which the Kaupo Spring discharges. As reflected in your memo to me dated August 14, 1992, registered users of the spring (using water from the Manawainui Intake) include Kaupo Ranch Ltd. and the Department of Water Supply, County of Maui. It is our belief that the NPS (Haleakala National Park) is also a registered user of the spring. Please inform us if this is not the case.

Also, the NPS would like you to provide an answer to a related question. If the property of Kaupo Ranch, Inc. were to be sold to another party, would the new owner have any right to use water from the spring? Stated more specifically, would the new owner have any right to go onto the land (in this case, Haleakala National Park), if not included in the property acquired by the new party (disregarding the Sovereign's police powers), and divert the water from Kaupo Spring?

If you have any questions concerning the enclosed documents or our requests, please contact Jeffrey Hughes at (303) 225-3527.

Sincerely,

Owen R. Williams
Chief, Water Rights Branch

Enclosure

SENT BY:DWRM

; 1- 5-94 ; 9:55AM ;

DWRM→

303 221 8315;# 7



IN REPLY REFER TO:

United States Department of the Interior

NATIONAL PARK SERVICE
Haleakala National Park
P.O. Box 589
Makawao, Maui, Hawaii 96768



L54

April 9, 1993

MEMORANDUM

To: Water Resources Division, Fort Collins
Attention: Jeff Hughes-Water Rights Branch

From: Superintendent, Haleakala N. P.

Subject: Kaupo Ranch Water

Thank you for your April 5 Fax of Kaupo Ranch water registration application documents. To the best of our knowledge the Panilcihulu Stream is the only park source Kaupo Ranch is currently using. In the past, the ranch used Healani Stream but was discontinued when Panilcihulu was tapped, however there are still pipes on the ground to both.

The ranch's positioning of the Panilcihulu source fairly closely coincides with the NPS positioning. In either case both are well within the park boundary inside our goat/pig control fence. Enclosed is a 1987 boundary survey report which documents the coordinates and elevation of the park boundary. The USGS map is the same one used by the park, ranch and surveyor.

Also enclosed is a copy of the deed showing the transfer of Parcel 1 (tract 01-114) from the State of Hawaii in 1970. The description of the lands involved indicate the park boundary shown on the USGS map accurately represents the park boundary verifying that the source of Kaupo water is well within Haleakala National Park. The thicker line that goes through the "A" in MANAWAINUI depicted on the ranch's registration map is no longer the park boundary since the addition of tract 01-114.

Donald W. Reeser

Enclosures

SENT BY:DWRM

; 1- 5-94 ; 9:52AM ;

DWRM→

303 221 8315: # 1

JOHN WAIHEE
GOVERNOR OF HAWAII



STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
COMMISSION ON WATER RESOURCE MANAGEMENT
P.O. BOX 621
HONOLULU, HAWAII 96809

KEITH W. AHLJE
CHAIRPERSON
JOHN C. LEWIN, M.D.
ROBERT S. NAKATA
J. DOUGLAS ING, ESQ.
RICHARD H. COOK, P.E.
GUY K. FUJIMURA
RAE M. LOUI, P.E.
DEPUTY

FACSIMILE TRANSMITTAL PAGE

Please deliver the following pages to:

Name: Mr. Jeff Hughes

Company: National Park Service

From: Neal Fujii for Rae Loui

Date: Jan 5, 1994 Time: 10:00am

Message: Here are the attachments to the letter dated Dec. 28, 1993 which
you have requested(along with the letter).

Total number of pages (including Transmittal Page): 7

* * * * *

If you do not receive all of the pages legibly, please call back: (808) 587-0264

Sending Facsimile Number: (808) 587-0219

Receiving Facsimile Number: (303) 225-3527

SENT BY:DWRM

; 1- 5-94 ; 9:53AM ;

DWRM→

303 221 8315;# 2

JOHN WAIHEE
GOVERNOR OF HAWAII



STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
COMMISSION ON WATER RESOURCE MANAGEMENT

P.O. BOX 821
HONOLULU, HAWAII 96808

KEITH W. AHUE
CHAMPAGNON

JOHN C. LEWIN, M.D.
ROBERT S. NAKATA
J. DOUGLAS ING, ESQ.
RICHARD H. COX, P.E.
GUY K. FUJIMURA

RAE M. LOUI, P.E.
DEPUTY

DEC 28 1993

Mr. Owen R. Williams
Chief, Water Rights Branch
National Park Service
Water Resources Division
1201 Oak Ridge Drive, Suite 250
Fort Collins, Colorado 80525

(303) 225-9965

Dear Mr. Williams:

Some time ago, your office had inquired about the use of water from Kaupo Springs in the Haleakala National Park on the island of Maui.

As you had indicated, the Kaupo Springs is located on former State of Hawaii land that had been transferred to become a part of your Haleakala National Park. Because of their involvement in the land transaction, the Division of Water Resource Management was asked to comment on the disposition of the water source facility. The Division's response, herewith enclosed, essentially says that the State retains the right to the use of waters in the "Water Resources Development Zone", and may authorize others on its behalf to use the resource.

We apologize for not getting back to you sooner on this matter.

Sincerely,

A handwritten signature in cursive script, appearing to read "Rae M. Loui".

RAE M. LOUI
Deputy Director

GSM:fc

encl.

SENT BY:DWRM

; 1- 5-94 ; 9:53AM ;

DWRM→

303 221 8315:# 3

JOHN WAIHEE
GOVERNOR OF HAWAII



STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
DIVISION OF LAND MANAGEMENT
P.O. BOX 881
HONOLULU, HAWAII 96808

AQUACULTURE DEVELOPMENT
PROGRAM
AQUATIC RESOURCES
CONSERVATION AND
ENVIRONMENTAL REPAIRS
CONSERVATION AND
RESOURCES ENFORCEMENT
CONVEYANCES
FORESTRY AND WILDLIFE
HISTORIC PRESERVATION
PROGRAM
LAND MANAGEMENT
STATE PARKS
WATER AND LAND DEVELOPMENT

OCT 15 1993

Ref:LM-PO

MEMORANDUM

Refer to MA-691

TO: Rae M. Loui, Deputy Director
Commission of Water Resource Management

FROM: W. Mason Young
Land Management Administrator

SUBJECT: Request for Information on Water Use from Kaupo
Springs, Haleakala National Park

RECEIVED
OCT 15 1993
COMMISSION ON WATER
RESOURCE MANAGEMENT

This acknowledges receipt of your September 2, 1993 memorandum requesting information on water use from Kaupo Springs, Haleakala National Park. Specifically, you are inquiring whether the taking of water from Kaupo Springs in Haleakala National park, portions of which were formerly State property, must legally be shared with others.

The Land Patent for the subject property states, in part, in No. 2 of the reserved rights for the State of Hawaii that "...all surface and ground waters appurtenant to the Water Resources Development Zone...the right on its behalf or through persons authorized by it, to capture, develop, divert, store, take and utilize the same and to occupy and use so much of said lands as may be required in the exercise of this reserved right; provided that,...sufficient surface water shall be permitted to flow downstream from any and all diversion structures to keep pools full and streams and waterfalls continuously flowing."

In reviewing this clause, it appears that the State has the right to authorize itself or individuals to utilize water from these springs as long as there is sufficient downstream flow to keep the pools and streams and waterfalls continuously flowing. As long as these individuals are registered users of the spring, use of the water cannot be denied.

SENT BY:DWRM

; 1- 5-94 ; 9:54AM ;

DWRM→

303 221 8315;# 4

Ms. Rae M. Loui
Page 2

If you may have any questions, please contact the
Maui District Land Office at 243-5352.


W. MASON YOUNG

cc Maui District Land Board Member
Maui District Land Office

SENT BY:DWRM

; 1- 5-94 ; 9:54AM ;

DWRM→

303 221 8315;# 5

RECEIVED
DIVISION OF
LAND MANAGEMENT
State of Hawaii
DEPARTMENT OF LAND AND NATURAL RESOURCES
Commission on Water Resource Management
Honolulu, Hawaii
SEP 10 10:40 AM '93

SEP -2 1993

MEMORANDUM

TO: Mr. Mason Young, Administrator
Land Management Division

FROM: Rae M. Loui, Deputy for
Water Resource Management *RML*

SUBJECT: Request for Information on Water Use from Kaupo Spring,
Haleakala National Park

Your assistance is requested in researching the property transfer documents involving the use of water from Kaupo Spring in Southeast Maui.

Specifically, the National Park Service is inquiring whether the taking of water from Kaupo Spring in Haleakala National Park, portions of which were formerly State property must legally be shared with others. Enclosed is a recent letter from the National Park Service including a copy of the Land Patent for the property in question.

Thank you in advance for your assistance. If you have any questions, please call Paul Haraguchi at 587-0265.

PH:ky
enclosure

c: Mr. Owen R. Williams, National Park Service

SEP 15 1993

SENT BY:DWRM

; 1- 5-94 ; 9:55AM ;

DWRM-

303 221 8315: # 8



IN REPLY REFER TO:

United States Department of the Interior

NATIONAL PARK SERVICE

Water Resources Division

1201 Oak Ridge Drive, Suite 250

Fort Collins, Colorado 80525

July 7, 1993

93 JUL 12 10:40

COMMISSION ON WATER
RESOURCE MANAGEMENT

L54(479)
HALE/Water Rights

Ms. Rae M. Loui
Deputy Director
State of Hawaii
Department of Land and Natural Resources
Commission on Water Resource Management
P.O. Box 621
Honolulu, HI 96809

Re: Land Status of Manawainui Intake within Haleakala National
Park (Your file reference: U S PARKS MAUI)

Dear Ms. Loui:

As discussed in a recent telephone conversation between David Higa of your staff and Jeffrey Hughes of my staff, please find enclosed the documentation necessary to confirm National Park Service (NPS) ownership of the land upon which the Kaupo Spring discharges. As reflected in your memo to me dated August 14, 1992, registered users of the spring (using water from the Manawainui Intake) include Kaupo Ranch Ltd. and the Department of Water Supply, County of Maui. It is our belief that the NPS (Haleakala National Park) is also a registered user of the spring. Please inform us if this is not the case.

Also, the NPS would like you to provide an answer to a related question. If the property of Kaupo Ranch, Inc. were to be sold to another party, would the new owner have any right to use water from the spring? Stated more specifically, would the new owner have any right to go onto the land (in this case, Haleakala National Park), if not included in the property acquired by the new party (disregarding the Sovereign's police powers), and divert the water from Kaupo Spring?

If you have any questions concerning the enclosed documents or our requests, please contact Jeffrey Hughes at (303) 225-3527.

Sincerely,

Owen R. Williams
Chief, Water Rights Branch

Enclosure

SENT BY:DWRM

; 1- 5-94 ; 9:55AM ;

DWRM→

303 221 8315:# 7



IN REPLY REFER TO:

United States Department of the Interior

NATIONAL PARK SERVICE

Haleakala National Park

P.O. Box 569

Makawao, Maui, Hawaii 96768



L54

April 9, 1993

MEMORANDUM

To: Water Resources Division, Fort Collins
Attention: Jeff Hughes-Water Rights Branch

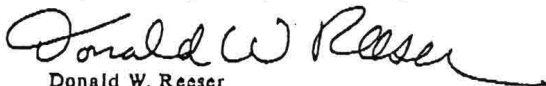
From: Superintendent, Haleakalā N. P.

Subject: Kaupō Ranch Water

Thank you for your April 5 Fax of Kaupō Ranch water registration application documents. To the best of our knowledge the Panileihulu Stream is the only park source Kaupō Ranch is currently using. In the past, the ranch used Healani Stream but was discontinued when Panileihulu was tapped, however there are still pipes on the ground to both.

The ranch's positioning of the Panileihulu source fairly closely coincides with the NPS positioning. In either case both are well within the park boundary inside our goat/pig control fence. Enclosed is a 1987 boundary survey report which documents the coordinates and elevation of the park boundary. The USGS map is the same one used by the park, ranch and surveyor.

Also enclosed is a copy of the deed showing the transfer of Parcel I (tract 01-114) from the State of Hawaii in 1970. The description of the lands involved indicate the park boundary shown on the USGS map accurately represents the park boundary verifying that the source of Kaupō water is well within Haleakalā National Park. The thicker line that goes through the "A" in MANAWAINUI depicted on the ranch's registration map is no longer the park boundary since the addition of tract 01-114.



Donald W. Reeser

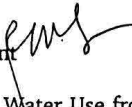
Enclosures

State of Hawaii
DEPARTMENT OF LAND AND NATURAL RESOURCES
Commission on Water Resource Management
Honolulu, Hawaii

SEP - 2 1993

MEMORANDUM

TO: Mr. Mason Young, Administrator
Land Management Division

FROM: Rae M. Loui, Deputy for
Water Resource Management 

SUBJECT: Request for Information on Water Use from Kaupo Spring,
Haleakala National Park

Your assistance is requested in researching the property transfer documents involving the use of water from Kaupo Spring in Southeast Maui.

Specifically, the National Park Service is inquiring whether the taking of water from Kaupo Spring in Haleakala National Park, portions of which were formerly State property must legally be shared with others. Enclosed is a recent letter from the National Park Service including a copy of the Land Patent for the property in question.

Thank you in advance for your assistance. If you have any questions, please call Paul Haraguchi at 587-0265.

PH:ky
enclosure

c: ☒ Mr. Owen R. Williams, National Park Service

STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
COMMISSION ON WATER RESOURCE MANAGEMENT
P.O. BOX 621
HONOLULU, HAWAII 96809



MR. OWEN R. WILLIAMS
CHIEF, WATER RIGHTS BRANCH
UNITED STATES DEPT. OF THE INTERIOR
NATIONAL PARK SERVICE
WATER RESOURCES DIVISION
1201 OAK RIDGE DRIVE, SUITE 250
FORT COLLINS, CO 80525

July 7, 1993

L54(479)
HALE/Water Rights

Ms. Rae M. Loui
Deputy Director
State of Hawaii
Department of Land and Natural Resources
Commission on Water Resource Management
P.O. Box 621
Honolulu, HI 96809

Re: Land Status of Manawainui Intake within Haleakala National
Park (Your file reference: U S PARKS MAUI)

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If you have any questions concerning the enclosed documents or our requests, please contact Jeffrey Hughes at (303) 225-3527.

Sincerely,

Owen Williams

Owen R. Williams
Chief, Water Rights Branch

Enclosure

bcc: (all w/enclosure)
HALE - Superintendent
Hawaii Area Office - Harry
WR - Kolipinski
479 - McGlothlin, Issue File



IN REPLY REFER TO:

United States Department of the Interior

NATIONAL PARK SERVICE
Haleakala National Park
P.O. Box 369
Makawao, Maui, Hawaii 96768



L54

April 9, 1993

MEMORANDUM

To: Water Resources Division, Fort Collins
Attention: Jeff Hughes-Water Rights Branch

From: Superintendent, Haleakalā N. P.

Subject: Kaupō Ranch Water

Thank you for your April 5 Fax of Kaupō Ranch water registration application documents. To the best of our knowledge the Panileihulu Stream is the only park source Kaupō Ranch is currently using. In the past, the ranch used Healanī Stream but was discontinued when Panileihulu was tapped, however there are still pipes on the ground to both.

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Donald W. Reaser

Enclosures

RANDALL SHERMAN LAND SURVEYOR

December 18, 1987

OFFICE:
1371 Lower Main Street
Unit #2 244-9096
MAILING ADDRESS:
P.O. Box 158
Kahului, Maui, Hawaii 96732

Mr. Ronald Magata
Chief of Resource Management
Haleakala National Park

RE: Position data for control and boundary markers at the Kuiki Planeze.

Dear Mr. Magata:

Tabulated below are the coordinates and elevations for all control and 5,000 foot contour markers placed above Kipahulu. Attached is a graphic tabulation superimposed on the contract map.

Point	Description	Coordinates		Elevation
C 1	Haleakala Trig Sta	N 0	E 0	8,201
C 2	Haleakala Ridge	N 715	E 663	7,769
C 3	Kaupo Gap Floor	S 1,852	E 7,420	5,168
C 4	East Ridge	S 2,505	E 13,173	5,989
C 5	Ridge Control	S 3,256	E 13,530	5,729
C 6	Camp Puu	S 3,623	E 20,637	5,255
C 7	Camp Puu 2	S 3,590	E 20,776	5,262
B 1		S 5,342	E 13,483	5,004
B 2		S 5,215	E 14,108	5,003
B 3		S 5,081	E 14,402	5,012
B 4		S 4,674	E 14,898	5,001
B 5		S 4,948	E 15,232	5,006
B 6		S 4,716	E 15,868	5,001
B 7		S 4,599	E 16,369	5,007
B 8		S 4,484	E 16,827	5,007
B 9		S 3,961	E 17,188	5,002
B10		S 4,086	E 17,715	5,004
B11		S 3,963	E 18,176	5,000
B12		S 3,816	E 18,517	5,006
B13		S 3,702	E 18,832	5,009
B14		S 3,850	E 19,712	5,002
B15		S 4,132	E 21,091	5,003
B16		S 3,899	E 21,630	5,008
B17		S 3,555	E 22,195	5,006
B18		S 3,017	E 23,066	5,008
B19		S 2,424	E 24,079	5,019

Thank you for allowing us to assist you on this contract.

Sincerely yours,

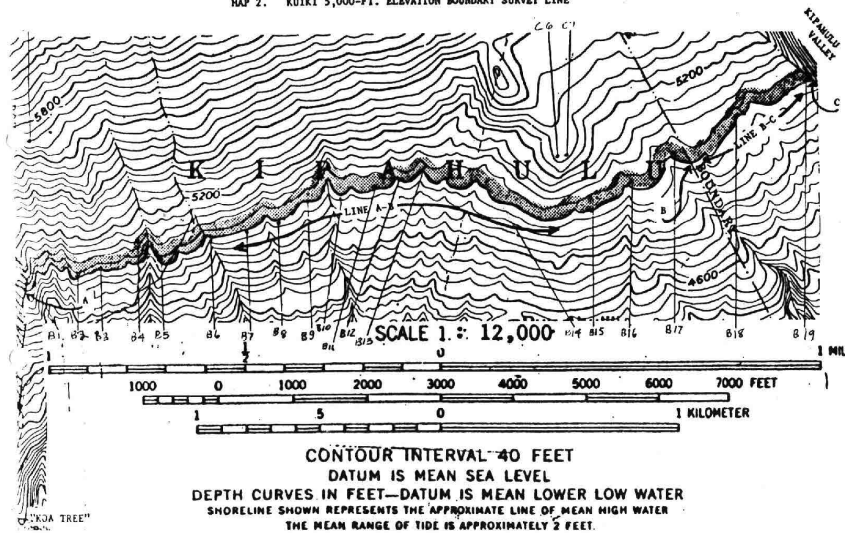


Randall Sherman, R.L.S.

enc.

cc. Nelson Yuen

HAP 2. KUIKI 5,000-FT. ELEVATION BOUNDARY SURVEY LINE





United States Department of the Interior

NATIONAL PARK SERVICE

WESTERN REGION

450 GOLDEN GATE AVENUE, BOX 35063
SAN FRANCISCO, CALIFORNIA 94102

IN REPLY REFER TO:

L1425(WR)ML

April 7, 1975

HALE

Tr. 01 112, 114, 03-113, 119,
122, 127, 136 & 109

State of Hawaii

Memorandum

To: Superintendent, Haleakala

From: Associate Regional Director, Park System Management, WR

Subject: NOTIFICATION OF CLOSING

Title to the following parcel of land passed to the United States:

- a. Tract No. See above b. Acreage 5,724.03
- c. Improvements ☐ Yes ☒ No d. Consideration Donation
- e. Date Title Passed April 19, 1974 f. Keys to Property N/A
- g. Probable Date Vendor to Vacate Premises N/A
- h. Name and Address of Vendor State of Hawaii
Governor of Hawaii
Executive Chambers
Honolulu, Hawaii
- i. Location of Property N/A

RECEIVED
APR 11 1975
NAT'L PARK
Superintendent 18
Admin. Officer
Chief, Maint.
Intern. Spec.
Carter D. R.
Kipahulu D. R.
Perman. Staff
Seasonal Staff

Deed #11

Lyle M. Dawell

Enclosures

Appraisal-Report-

Deed & Land Patent S-14,945

Final Title Opinion



STATE OF HAWAII

Land Patent No. S-14,945

(Grant)
Issued On

Agreement between the State of Hawaii and the
United States of America, said Agreement being
reflected in the covenants herein contained.

By THIS PATENT the State of Hawaii, in conformity with the laws of the
State of Hawaii relating to public lands and pursuant to the approval by the
Board of Land and Natural Resources on the 25th day of June,
1971,

makes known to all men that it does this day grant and confirm unto

THE UNITED STATES OF AMERICA,
hereinafter called the "PATENTEE,"

*for the consideration of the sum of ONE DOLLAR (\$1.00), the receipt and
sufficiency whereof is hereby acknowledged, and of the mutual
covenants and agreements herein contained,*

*all of the land situate at Kaupo, Kipahulu, Koolau, Papauluana, Alaeiki
and Alaenui, Kipahulu, Hana, Maui, Hawaii, being Parcels 1, 4, 5
and 6 as described in Exhibit "A" and shown on State Survey Map
CSF 16,121 -16,124, Exhibit "B" and Parcels 8 and 9 as described
in Exhibit "C" and shown on Hawaii State Survey Plat 1097, Exhibit
"D", all attached hereto and made a part hereof.*

TOGETHER with the right to develop water from the lands
herein granted for use in the operation of the Kipahulu section
of Haleakala National Park.

RESERVING, HOWEVER, TO THE STATE OF HAWAII, hereinafter
called the "PATENTOR," its successors and assigns, the following:

1. All minerals in, on or under said land together
with the right, on its own behalf or through persons authorized
by it, to enter, sever, prospect for, mine and remove such
minerals by deed mining, strip mining, drilling and any
other means whatsoever, and to occupy and use so much of
the surface of the ground as may be required therefor; provided,
that the right to prospect for, mine and remove minerals from

the lands herein granted shall not be exercised by the Patentor, its successors and assigns, so long as said lands are used for national park purposes.

2. All surface and ground waters appurtenant to the Water Resources Development Zone described in Exhibit "E" and shown on Exhibit "F", Hawaii State Survey Plat 1098, which are attached hereto and made a part hereof subject as aforesaid, and the right on its own behalf or through persons authorized by it, to capture, develop, divert, store, take and utilize the same and to occupy and use so much of said lands as may be required in the exercise of this reserved right; provided that, subject to seasonal variations, sufficient surface water shall be permitted to flow downstream from any and all diversion structures to keep pools full and streams and waterfalls continuously flowing.

3. All public utility and pipeline rights of way and the existing public road, together with the right to relocate and improve the same, subject to the prior written approval of the Patentee.

The foregoing rights retained by the Patentor for itself, its successors, assigns, lessees, permittees and licensees, shall be subject to the following:

a. All construction shall be within the Water Resources Development Zone, and no works for surface water storage shall be constructed within Oheo Gulch below 400 feet mean sea level;

b. Prior to any construction, all plans shall be submitted to the Patentee;

c. Design and construction of facilities for the development of water resources shall follow the best practices prevailing at the time development is undertaken, except that where such construction conflicts with park values and uses the Patentee may require the Patentor to redesign the work, in which case the Patentee shall pay any extra costs arising from such changes;

d. All construction shall be performed in such a manner as to cause minimum disturbance to the surrounding area and areas damaged by construction shall be repaired and replanted so as to blend with the surrounding area;

e. The Patentee shall have the right to use for national park purposes any roads constructed for water resources development in which case the Patentee shall share in the maintenance of such roads, subject to the availability of funds.

THE PATENTEE further agrees:

THAT the lands herein conveyed, except for the Water Resources Development Zone, shall be maintained in such a manner as to preserve their natural wild state;

THAT within the conditions imposed by existing law, the Patentor shall be authorized to transport the reserved

water developed herein across lands of the Patentee, and shall be granted access over said lands to the lands herein conveyed;

THAT, where required for exotic animal control in the lands conveyed, the Patentee shall continue the practice of using deputy park rangers for such control in areas to be determined by the Patentee in consultation with the Patentor.

THE PATENTEE covenants with the Patentor that the use and enjoyment of the lands herein conveyed shall not be in support of any policy which discriminates against anyone based on race, color, creed or national origin.

TO HAVE AND TO HOLD said granted land unto the said

THE UNITED STATES OF AMERICA, forever, PROVIDED, HOWEVER, that if any part or the whole of the lands conveyed shall be abandoned or shall cease to be used for national park purposes for two (2) consecutive years, such part or the whole of said lands shall automatically revert to the Patentor and resume the status of public lands of the State of Hawaii.

IN WITNESS WHEREOF, the State of Hawaii, by its Board of Land and Natural Resources, has caused the Seal of the Department of Land and Natural Resources to be hereunto affixed and this Patent to be duly executed this 17th day of January, 1974.

ACCEPTED BY THE UNITED STATES OF AMERICA:

By Rogers C. Morton
Its Secretary of the Interior

STATE OF HAWAII
Board of Land and Natural Resources

By James K. Hoo

APPROVED AS TO FORM:

John P. Watson
Deputy Attorney General
Dated: July 4, 1973

By Moses K. Kaula

Written by: bys



STATE OF HAWAII

SURVEY DIVISION

DEPT. OF ACCOUNTING AND GENERAL SERVICES
HONOLULU

July 8, 1970

C.S.F. No. 16,121

ADDITION TO HALEAKALA NATIONAL PARK

PARCEL 1

Kaupo, Hana, Maui, Hawaii

Being a portion of the Government Land of Kaupo lying mauka or north of the 5000-foot contour line between the Kaupo-Kipahulu boundary line and the Haleakala National Park.

Beginning at the north corner of this parcel of land, on the top of the ridge between Haleakala Crater and Kipahulu Valley, said point being also on the boundary between the Lands of Kaupo and Kipahulu, the coordinates of said point of beginning referred to Government Survey Triangulation Station "POHAKU PALAIA" marked by a "4" on large flat rock called "Pohaku Oki Afa," being 6557.5 feet South and 2431.7 feet East, as shown on Government Survey Registered Map 2837, thence running by azimuths measured clockwise from True South:-

1. Along the top edge of the pali, (L.C. Award 11216, Apana 26 to M. Kekauonohi) along the southwesterly side of Kipahulu Valley to the north-west corner of the land of Kaupahu, the direct azimuth and distance being: 303° 10' 7150.0 feet;
2. Down along the middle of Kalepu Stream, along the land of Kaupahu (L.C. Award 6559-B, Apana 19 to W.C. Lunalilo) to the 5000-foot contour line, the direct azimuth and distance being: 325° 28' 30" 4706.0 feet;
3. Thence following along the 5000-foot contour line, along the remainder of the Government Land of Kaupo to the rim of Haleakala Crater, the direct azimuth and distance being: 80° 10' 8200.0 feet;

EXHIBIT "A"

CSF NO. 16,121

-2-

July 8, 1970

Thence following along the rim of the Haleakala Crater, along the Haleakala National Park, the direct azimuths and distances between points along said rim being:

4. 175° 20' 8550.0 feet;
5. 222° 50' 1050.0 feet to the point of beginning and containing an Area of 1,070 Acres.

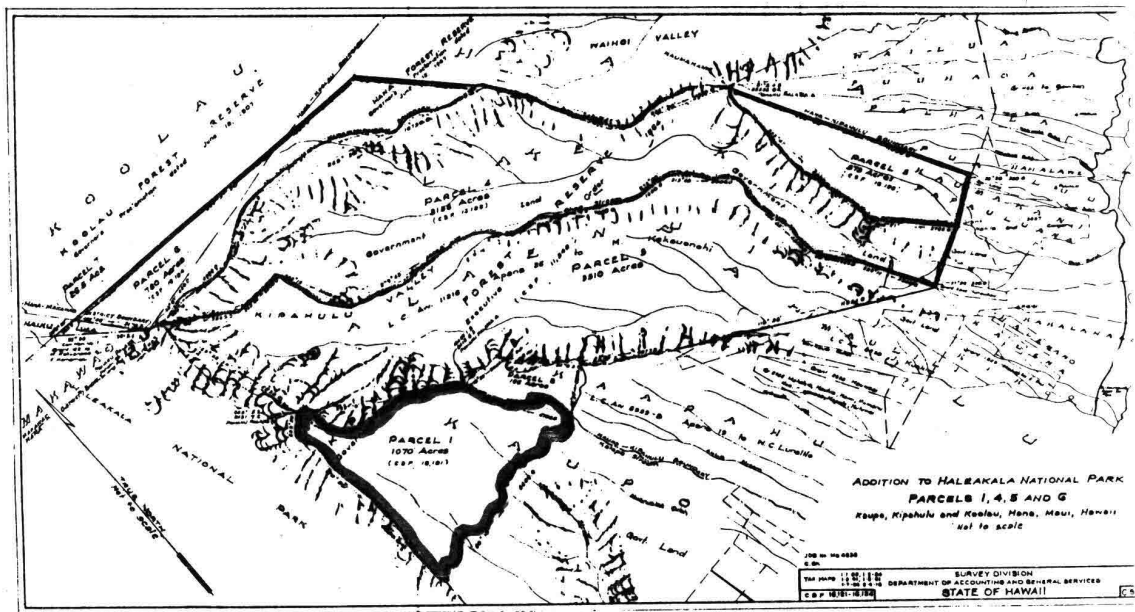
SURVEY DIVISION
DEPARTMENT OF ACCOUNTING AND GENERAL SERVICES
STATE OF HAWAII

By: Robert T. Hashimoto
Robert T. Hashimoto
Land Surveyor

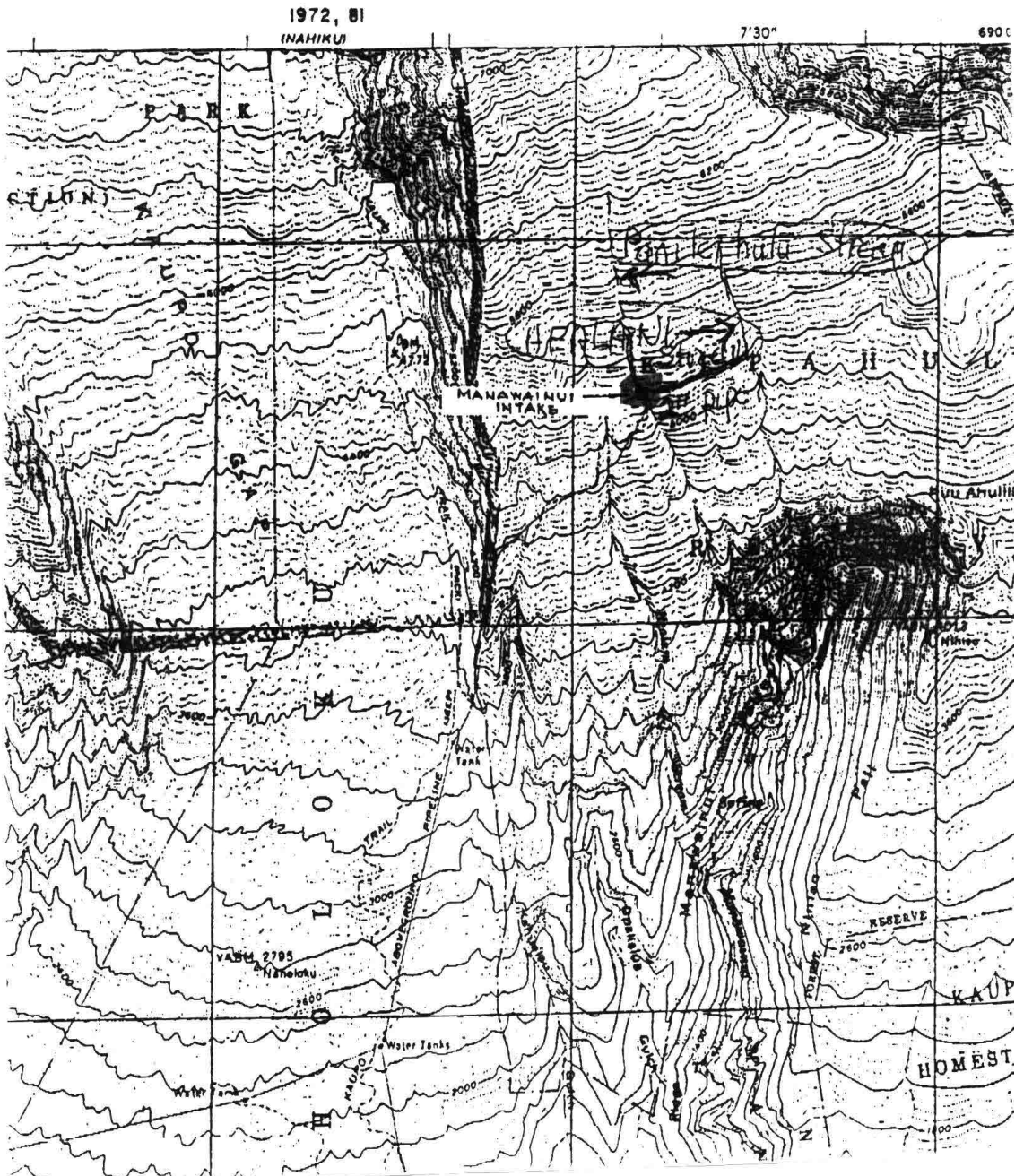
js

Compiled from CSF 11,037
and Govt. Survey Records.

Compared with CSF 11,037 by S. Hashimoto
July 8, 1970



STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
DIVISION OF WATER AND LAND DEVELOPMENT



JOHN WAIHEE
GOVERNOR OF HAWAII



STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
COMMISSION ON WATER RESOURCE MANAGEMENT

P. O. BOX 621
HONOLULU, HAWAII 96809

WILLIAM W. PATY
CHAIRPERSON

JOHN C. LEWIN, M.D.
MICHAEL J. CHUN, Ph.D.
ROBERT S. NAKATA
RICHARD H. COX, P.E.
GUY K. FUJIMURA

RAE M. LOUI, P.E.
DEPUTY

AUG 14 1992

Mr. Owen R. Williams
Chief, Water Rights Branch
U.S. Department of the Interior
National Park Service
Water Resources Division
301 South Howes St., Room 353
Ft Collins, Colorado 80521

File Reference: U S PARKS MAUI

Dear Mr. Williams:

Haleakala National Park Spring
NPS File L54(479): HALE/Water Rights

This is in response to your letter of July 17, 1992, requesting clarification on the registration of a spring located on the Island of Maui at 156°07'51" longitude, 20°41'40" latitude.

Registration forms for "Manawainui Intake" at this approximate location were filed with the Commission by two parties: Kaupo Ranch Ltd. and the Department of Water Supply, County of Maui. The intake has been registered as being located on land owned by the State of Hawaii and as collecting water from two intermittent streams: Helani Stream and Panileihulu Stream. It is our understanding that water from the Manawainui Intake is used by Kaupo Ranch for domestic supply and for livestock watering and by Maui DWS for domestic supply to 13 systems at the Kaupo Ranch Community.

Enclosed for your information is a copy of the location map and declaration form for the Manawainui Intake from our registration files. These files are maintained primarily for informational purposes and do not of themselves establish or confer any rights to water. If you were to provide new information, such as to confirm a change in land ownership from the State of Hawaii to the National Park Service, we would update our records by adding that information to our files.

Sincerely,

A handwritten signature in cursive script, appearing to read "Rae M. Loui".

RAE M. LOUI
Deputy Director

BR:ky
Enc.

Form 8810-2



STATE OF HAWAII
COMMISSION ON WATER RESOURCE MANAGEMENT
DEPARTMENT OF LAND AND NATURAL RESOURCES
DIVISION OF WATER RESOURCE MANAGEMENT



REGISTRATION OF STREAM DIVERSION WORKS
AND
DECLARATION OF WATER USE

INSTRUCTIONS: Please type or print. If information is not available or not applicable, indicate as N/A. Fill out as completely as possible, sign, and mail form to the Division of Water Resource Management, P.O. Box 373, Honolulu, Hawaii 96809. Phone 548-3948 or 548-7543 for assistance.

MULTI-SOURCE SYSTEMS: For a system of two or more diversion structures, submit a single package to describe the complete system. Include a single location map (or a set of maps if required) showing all diversion structures and measurement points, and a separate copy of this form for each structure and measurement point. On forms describing diversion structures, complete parts A, B, D, and E. On forms describing measurement points, complete parts A, B, and F.

STREAM NAME: Paniclei hulu and Healan ISLAND: Mau
DIVERSION STRUCTURE NAME: Manawainui Intake
DIVERSION SYSTEM NAME: _____

A. DIVERSION WORKS OPERATOR

Firm name: Kaupo Ranch
Contact person: James H. Meekhof
Address: 1576 Halame St,
Kihei HI
Zip: 96753 Phone: 879-1484

B. OWNER OF DIVERSION WORKS SITE

Firm name: State of Hawaii
Contact person: _____
Address: _____
Zip: _____ Phone: _____

C. STREAM DIVERSION LOCATION

Tax Map Key: 1-7-04:06 Town, Place, District: Kaupo
Attach USGS "Quad" map (scale 1:24,000), tax map, or other map showing the diversion location.

D. STREAM DATA - Both streams

Streamflow at diversion site is: ☐ Perennial (Water is always flowing) ☒ Intermittent (Channel is sometimes dry)
Is streamflow gaged? ☐ Yes ☒ No
If yes, provide gage name, and show location on map. Name: _____
Average flow before diversion: _____ ☐ mgd ☐ gpm ☐ cfs

E. DIVERSION STRUCTURE DATA

Year constructed: N/A Elevation (Above mean sea level): 5,200'
Diversion structure is: ☒ Concrete ☐ Wood ☐ Pipe ☐ Other (Describe): _____
Diverted flow is: ☒ Controlled ☐ Uncontrolled
Divertable capacity is: _____ ☐ mgd ☐ gpm ☐ cfs

Submit an "as-built" drawing and dated photograph of the diversion works, if available.

... (continued over)

For Official Use Only:

Date received: _____ Date accepted: _____
Field checked by: _____ Date: _____ Latitude: _____ Hydrologic Unit: _____
Comments: _____ Longitude: _____ State Diversion No.: _____

References: Hawaii Revised Statutes, Chapter 174C.
Hawaii Administrative Rules, Chapters 13-167 to 13-171.

F. DECLARATION OF WATER USE

NOTE: The purpose of the Declaration of Water Use is to obtain information necessary for the management of the State's water resources. The Declaration does not confer a legal right to water or its use.

Location and name of measurement point (Show on location map): _____

Water use data are recorded: ☒ Continuously ☐ Daily ☐ Other: _____

Method of measurement (Check box and describe below): ☐ Weir ☐ Rating flume ☐ Other

Description: _____

Quantity of Use (Report gaged or estimated monthly water use from the diversion described on the reverse side of this form, for the calendar years 1983 through 1987):

WATER USE, IN million gallons (unit of measurement)

	1983	1984	1985	1986	1987
January					
February	.131	.093	.097	.151	.342
March					
April	.132	.084	.075	.171	.164
May					
June	.187	.149	.136	.088	.169
July					
August	.194	.134	.160	.075	.273
September					
October	.170	.129	.164	.065	.203
November					
December	.140	.071	.194	.060	.175
ANNUAL	.954	.660	.826	.610	1.326

Typical times of usage: _____

Type of Use (Check all category boxes that apply and provide additional information as indicated):

Category

☐ Municipal (including resorts, hotels, businesses)

☒ Domestic (systems serving 25 people or less)

☐ Irrigation

☐ Industrial

☐ Military

☐ Other

Additional Information

Private Water Users

Number of service connections: 10

Acres Irrigated: _____

Crop(s): ☐ Sugar ☐ Pineapple

☐ Other (specify): _____

Non-Crop: ☐ Landscape ☐ Golf Course

☐ Other (specify): _____

Method: ☐ Drip ☐ Furrow ☐ Sprinkler

☐ Cooling ☐ Manufacturing ☐ Mill

☐ Other (specify): _____

Specify (livestock, hydroelectric, aquaculture, etc.): _____

Location of Use (Describe the location of water use, relative to the diversion, and indicate on location map. If water is used by others, submit a list of their names and addresses.):

Kaupo Ranch - community

I declare that the contents of the above Declaration of Water Use are, to the best of my knowledge and belief, true, correct, and complete.

Water User's Signature: Vince G. Bagby, Jr.

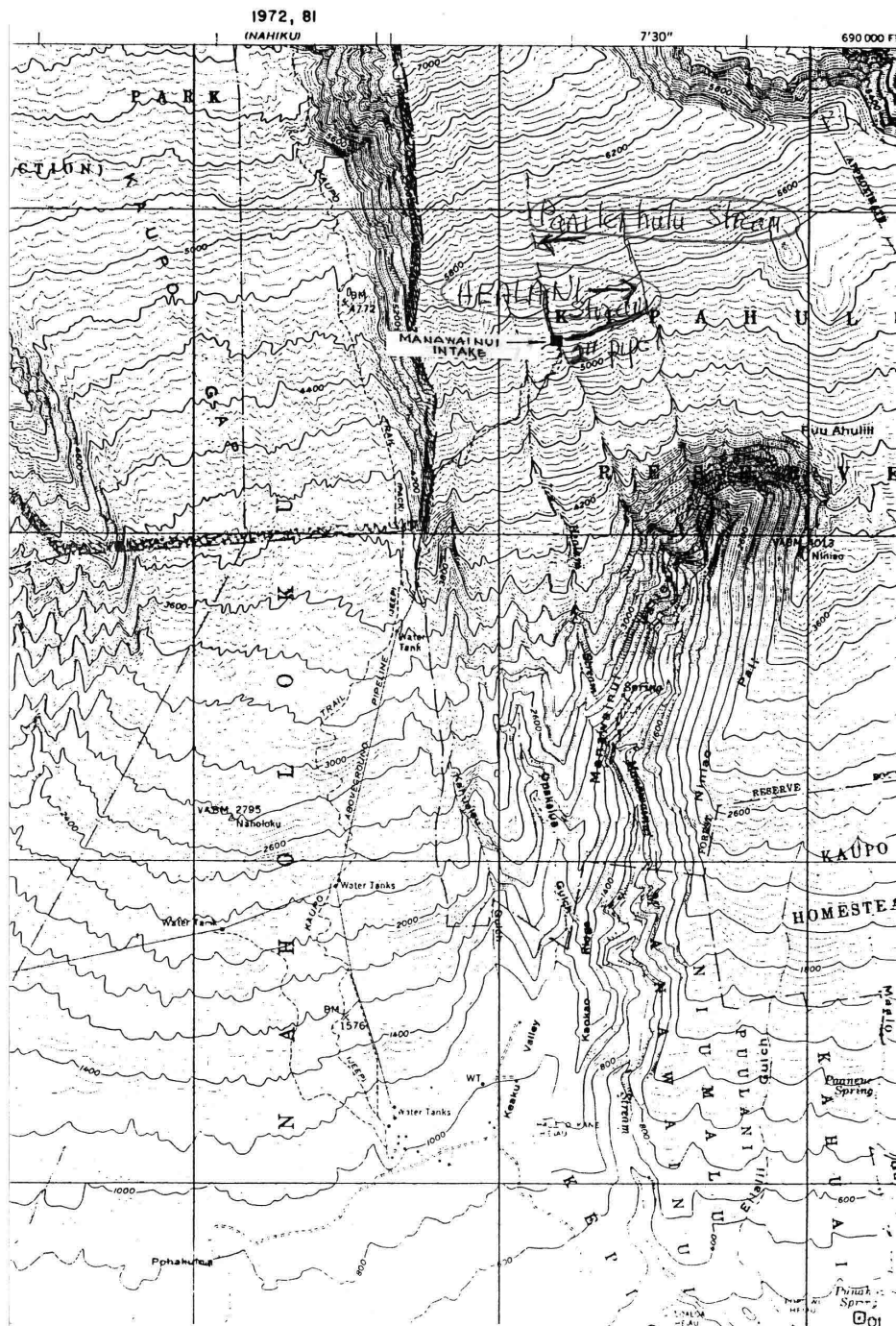
Date: 2/24/89

Printed Name: Vince G. Bagby, Jr.

Firm or Title (Diversion Operator, etc.): Director of Department of Water Supply

County of Maui

STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
DIVISION OF WATER AND LAND DEVELOPMENT



July 17, 1992

L54(479)
HALE/Water Rights

Mr. Manabu Tagomori
Deputy Director
State of Hawaii
Department of Land and Natural Resources
Division of Water Resource Management
P.O. Box 373
Honolulu, Hawaii 96809

Re: Haleakala National Park Spring (see correspondence under your
file name: US PARKS MAUI)

Dear Mr. Tagomori:

The National Park Service (NPS) wishes to clarify with you the question of registration of the surface water source found within the boundaries of Haleakala National Park as discussed in our correspondence of May 3, 1991. The spring is located on the Island of Maui at 156°07'51" longitude, 20°41'40" latitude. I would appreciate it if you would inform us as to whether or not the highlighted spring on the map (USGS 7.5 minute series, Kaupo Quadrangle, enclosed) is registered in the name of the NPS (Haleakala National Park) or in the name of David Young (aka Kaupo Ranch). Also, please send any other existing water right information for this spring or others within Haleakala National Park.

If you have any questions concerning this request, please contact Jeff Hughes at (303) 491-1441.

Sincerely,

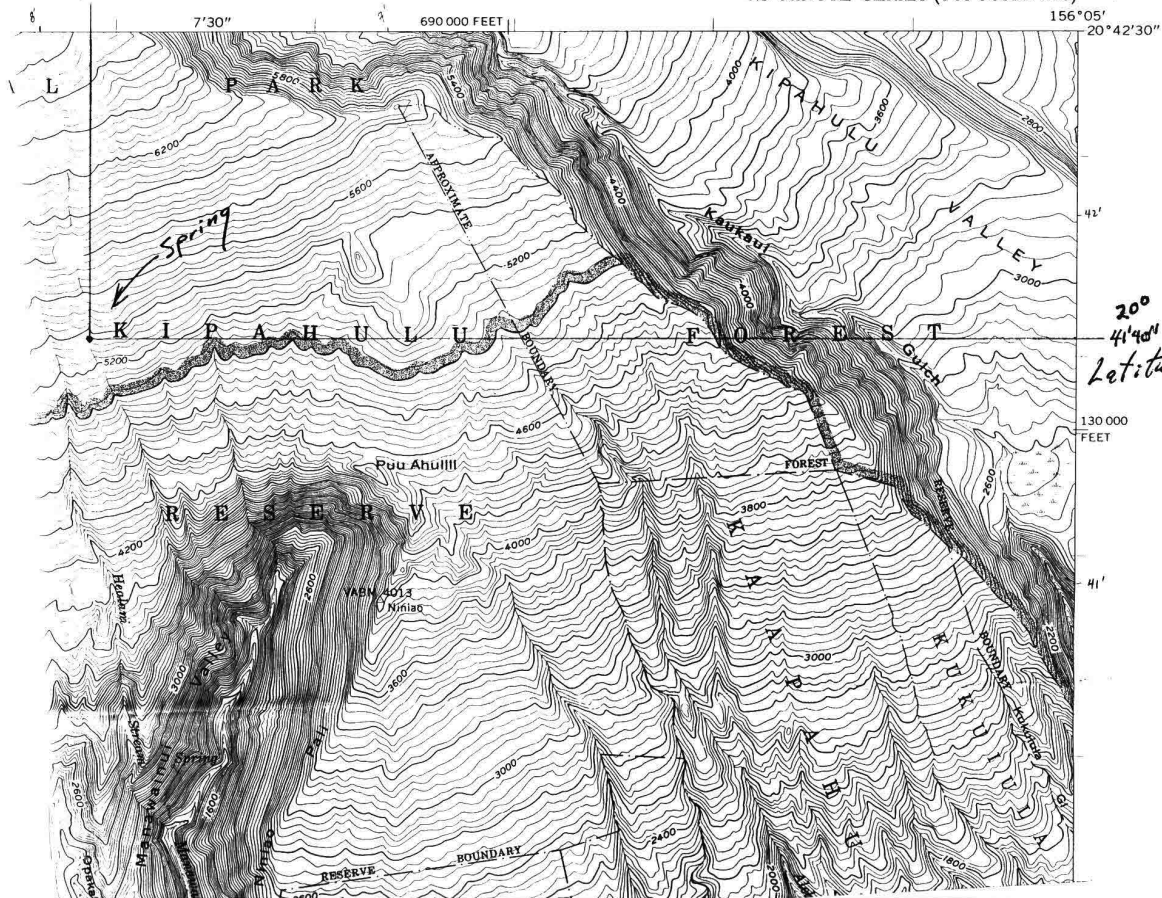
Dan McGlothlin

Owen R. Williams
Chief, Water Rights Branch

Enclosure

bcc: HALE - Superintendent
WR - Kolipinski
479 - Hansen

NAME



20°
41'40"N
Latitude

May 3, 1991

L54(479)
HALE/Water Rights
KALA/Water Rights

Mr. William Rozeboom
Division of Water Resource Management
State of Hawaii
P.O. Box 373
Honolulu, HI 96809

Re: Water right permits/applications within Haleakala National
Park and Kalaupapa National Historic Site

Dear Mr. Rozeboom:

As per your suggestion during our phone conversation of April 1, 1991, I am sending maps of National Park Service (NPS) units in Hawaii for you to determine if there are water right permits or applications exist within the boundaries of the above-mentioned NPS units. I request information on well locations, amount of withdrawals, type of use, priority dates, names of applicants/permittee's and any other information that you may have concerning these water rights.

Also, a local rancher named David Young may have a registered well within the boundary of Haleakala National Park. Please include the above information for water rights for Mr. Young in your package.

If you have any questions, please call me at (303) 493-1441.

Sincerely,



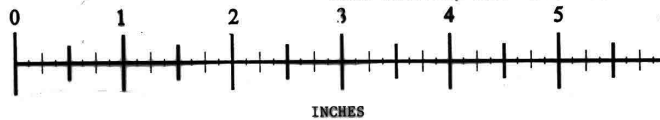
William R. Hansen
Hydrologist

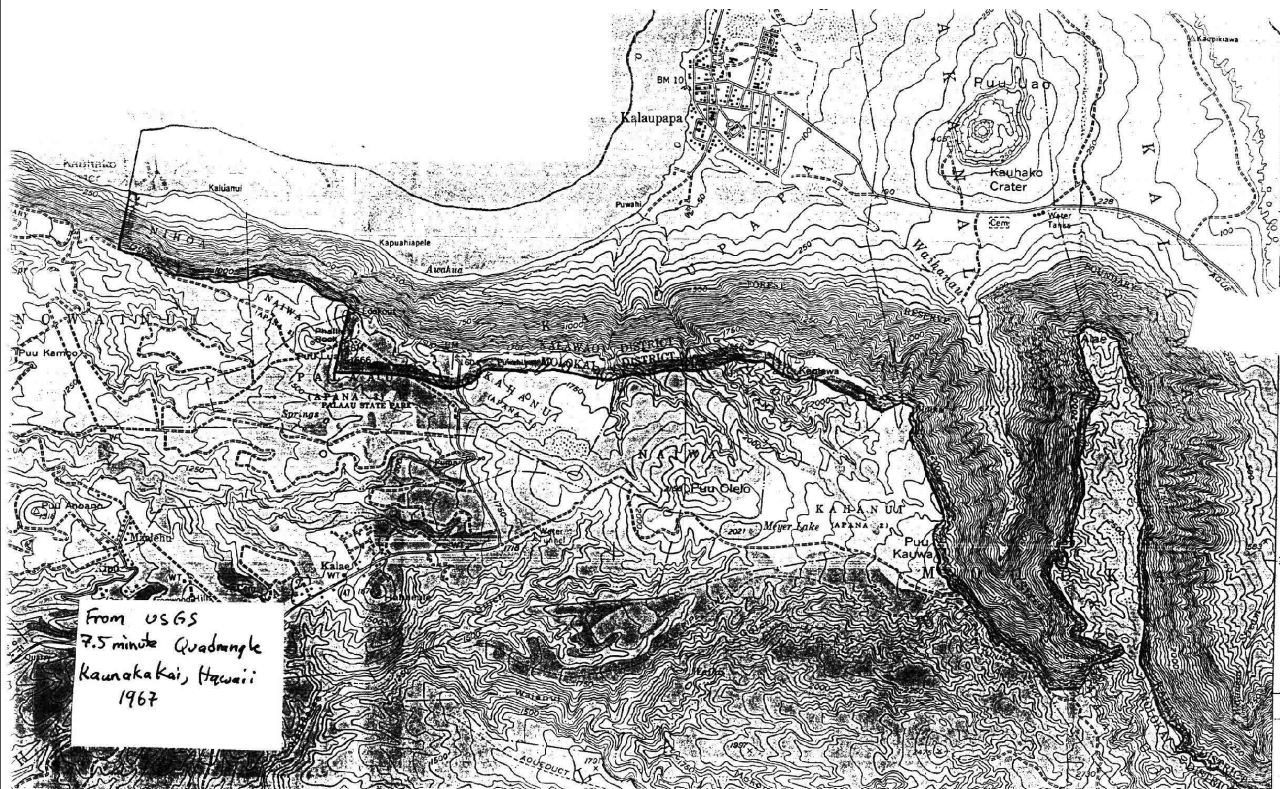
Enclosures

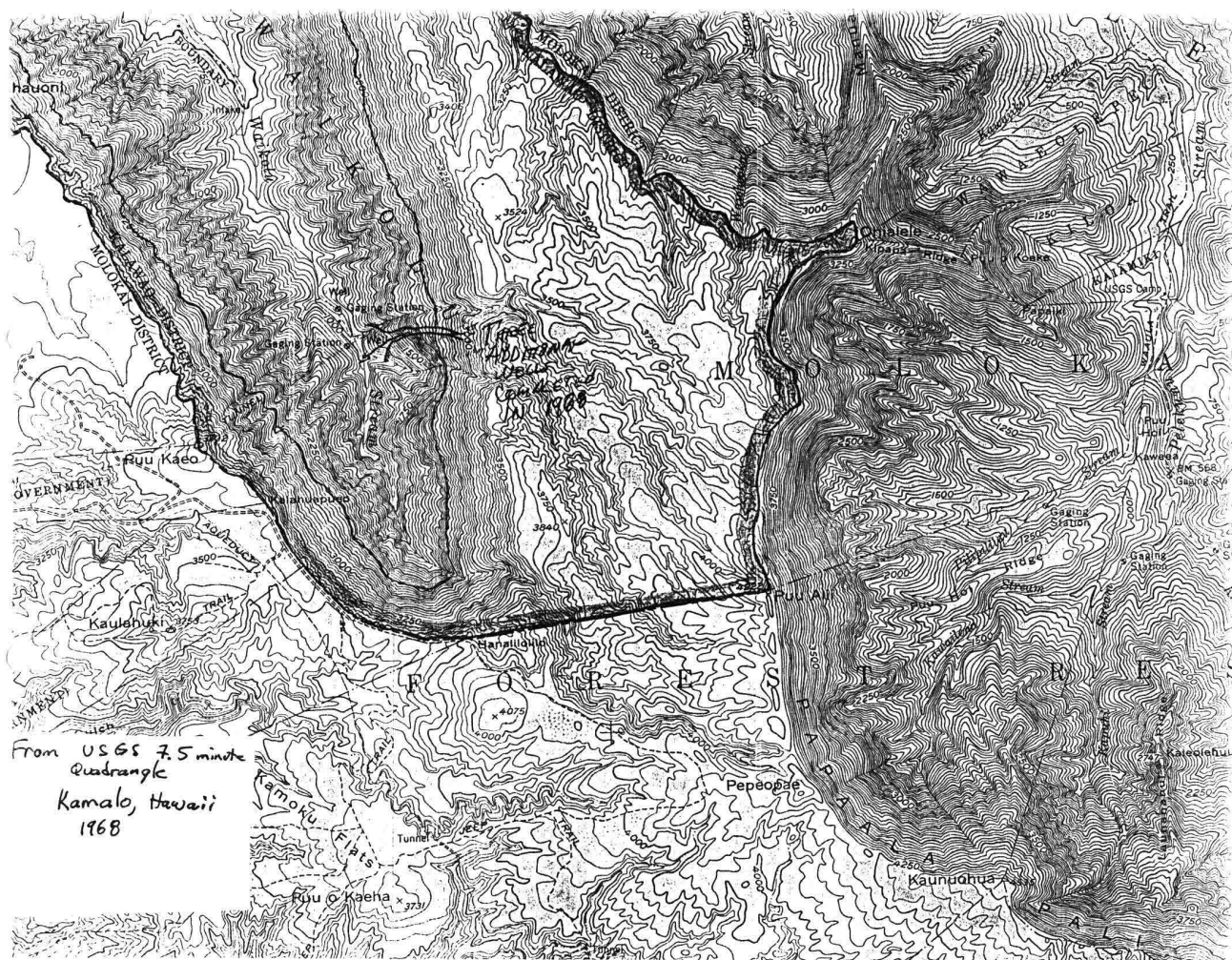
bcc: HALE - Superintendent
KALA - Superintendent
WR - Kolipinski
479 - Williams, Hughes

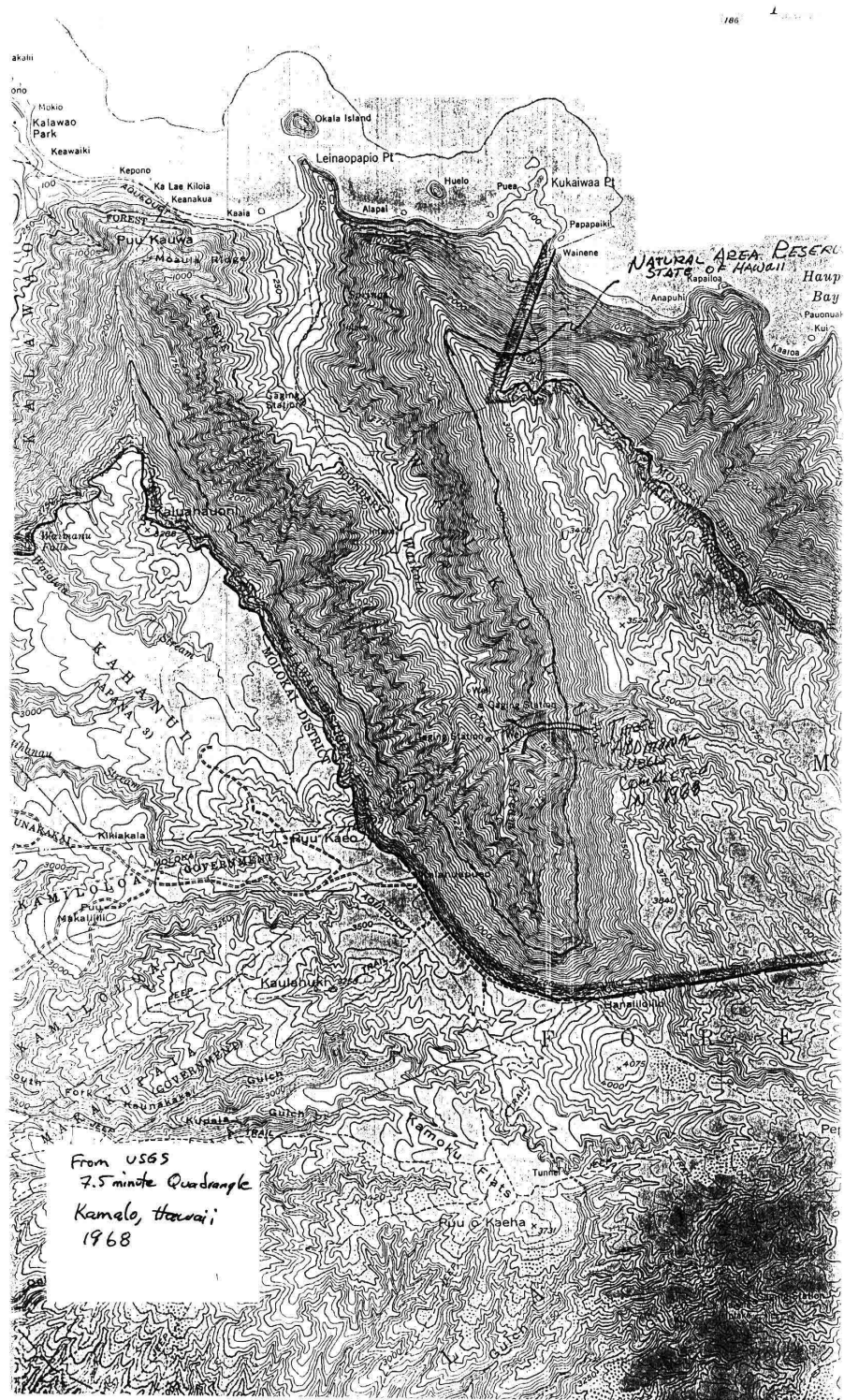


Scale Made July 1998 (Not Part of Image)











United States Department of the Interior

NATIONAL PARK SERVICE

WATER RESOURCES DIVISION
301 SOUTH HOWES ST., ROOM 353
FT. COLLINS, COLORADO 80521

April 17, 1991



IN REPLY REFER TO:

L54(479)

HALE/Water Rights

Memorandum

To: Superintendent, Haleakala National Park

From: Chief, Water Rights Branch

Subject: Water Use by Park Neighbors

As a follow up to our conversations on March 22, 1991, I've attached a photocopy of some legislation which addresses the issue. Don, you'll note the Act discusses two conditions for allowing the sale or lease of water. You may recall that I discussed a third condition, no environmental impact. This third condition has resulted from Office of the Solicitor (SOL) interpretation and National Park Service guidelines.

I am uncertain as to whether we've already sent you this material or not. So, to err on the side of the angels, I felt it better to send you too much than too little.

I don't yet have any additional information for you on the registration question. That may take a little time, but I'll get it to you as soon as feasible. However, I have attached a copy of a draft letter we prepared for the Pacific Area Office and, I believe, they sent to the State. Also, if you learn anything more about the rancher or municipal use of the spring please let me know.

Once again, thank you for your kind hospitality. I feel our time was well spent and I hope we can provide the assistance you rightfully expect.

Attachment

cc: WRO - Kolipinski
PAO - Harry
479 - Ponce, McGlothlin, Hansen



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I. GENERAL LEGISLATION

1. Administration of National Park System

An Act to improve the administration of the national park system by the Secretary of the Interior, and to clarify the authorities applicable to the system, and for other purposes. (81 Stat. 825)

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That Congress declares that the national park system, which began with establishment of Yellowstone National Park in 1872, has since grown to include superlative natural, historic, and recreation areas in every major region of the United States, its territories and island possessions; that these areas, though distinct in character, are united through their inter-related purposes and resources into one national park system as cumulative expressions of a single national heritage; that, individually and collectively, these areas derive increased national dignity and recognition of their superb environmental quality through their inclusion jointly with each other in one national park system preserved and managed for the benefit and inspiration of all the people of the United States; and that it is the purpose of this Act to include all such areas in the System and to clarify the authorities applicable to the system.

SEC. 2. (a) Section 1 of the Act of August 8, 1953 (67 Stat. 496; 16 U.S.C. 1b), is amended by deleting "and miscellaneous areas administered in connection therewith" and "and miscellaneous areas" wherever they appear.

(b) Section 2 of the Act of August 8, 1953 (67 Stat. 496; 16 U.S.C. 1c), is amended to read as follows:

"Sec. 2. (a) The 'national park system' shall include any area of land and water now or hereafter administered by the Secretary of the Interior through the National Park Service for park, monument, historic, parkway, recreational, or other purposes.

"(b) Each area within the national park system shall be administered in accordance with the provisions of any statute made specifically applicable to that area. In addition, the provisions of this Act, and the various authorities relating to the administration and protection of areas under the administration of the Secretary of the Interior through the National Park Service, including but not limited to the Act of August 25, 1916 (39 Stat.

535), as amended (16 U.S.C. 1, 2-4), the Act of March 4, 1911 (36 Stat. 1253), as amended (16 U.S.C. 5) relating to rights-of-way, the Act of June 5, 1920 (41 Stat. 917), as amended (16 U.S.C. 6), relating to donation of land and money, sections 1, 4, 5, and 6 of this Act of April 9, 1921 (43 Stat. 90), as amended (16 U.S.C. 8 and 8a-Sec.), relating to roads and trails, the Act of March 4, 1931 (46 Stat. 1570; 16 U.S.C. 8d) relating to approach roads to national monuments, the Act of June 3, 1948 (62 Stat. 334), as amended (16 U.S.C. 8c-8f), relating to conveyance of roads to States, the Act of August 31, 1951 (65 Stat. 1037), as amended (16 U.S.C. 452a), relating to acquisitions of inholdings, section 1 of the Act of July 3, 1926 (41 Stat. 900), as amended (16 U.S.C. 12), relating to aid to visitors in emergencies, the Act of March 3, 1905 (33 Stat. 873; 16 U.S.C. 10), relating to arrests, sections 3, 4, 5, and 6 of the Act of May 26, 1930 (46 Stat. 381), as amended (16 U.S.C. 17b, 17c, 17d, and 17e), relating to services or other accommodations for the public, emergency supplies and services to concessioners, acceptability of travelers checks, care and removal of indigents, the Act of October 9, 1965 (79 Stat. 696; 16 U.S.C. 20-20g), relating to concessions, the Land and Water Conservation Fund Act of 1965, as amended, and the Act of July 15, 1968 (82 Stat. 355), shall, to the extent such provisions are not in conflict with any such specific provision, be applicable to all areas within the national park system and any reference in such Act to national parks, monuments recreation areas, historic monuments, or parkways shall hereinafter not be construed as limiting such Acts to those areas."

Sec. 3. In order to facilitate the administration of the national park system, the Secretary of the Interior is authorized, under such terms and conditions as he may deem advisable, to carry out the following activities:

(a) provide transportation of employees located at isolated areas of the national park system and to members of their families, where (1) such areas are not adequately served by commercial transportation, and (2) such transportation is incidental to official transportation services;

(b) provide recreation facilities, equipment, and services for use by employees and their families located at isolated areas of the national park system;

(c) appoint and establish such advisory committees in regard to the functions of the National Park Service as he may deem advisable, members of which shall receive no compensation for their services as such but who shall be allowed necessary travel expenses as authorized by section 5 of the Administrative Expenses Act of 1946 (5 U.S.C. 5703);

(d) purchase field and special purpose equipment required by employees for the performance of assigned functions which shall be regarded and listed as park equipment;

(e) enter into contracts which provide for the sale or lease to persons, States, or their political subdivisions, of services, resources, or water available within an area of the national park system, if such person, State, or its political subdivision—

(1) provides public accommodations or services within the immediate vicinity of an area of the national park system to persons visiting the area; and

(2) has demonstrated to the Secretary that there are no reasonable alternatives by which to acquire or perform the necessary services, resources, or water;

(f) acquire, and have installed, air-conditioning units for any Government-owned passenger motor vehicles used by the National Park Service, where assigned duties necessitate long periods in automobiles or in regions of the United States where high temperatures and humidity are common and prolonged;

(g) sell at fair market value without regard to the requirements of the Federal Property and Administrative Services Act of 1949, as amended, products and services produced in the conduct of living exhibits and interpretive demonstrations in areas of the national park system, to enter into contracts including cooperative arrangements with respect to such living exhibits and interpretive demonstrations and park programs, and to credit the proceeds therefrom to the appropriation bearing the cost of such exhibits and demonstrations.

Sec. 4. The Act of March 17, 1948 (62 Stat. 81), is amended by deleting from section 1 thereof the words "over which the United States has, or hereafter acquires, exclusive or concurrent criminal jurisdiction," and changing section 3 to read as follows:

"Sec. 3. For the purposes of this Act, the environs of the District of Columbia are hereby defined as embracing Arlington, Fairfax, Loudoun, Prince William, and Stafford Counties and the city of Alexandria in Virginia, and Prince Georges, Charles, Anne Arundel, and Montgomery Counties in Maryland."

Approved August 18, 1970.

Legislative History
House Report No. 91-1205 (Committee on Interior and Insular Affairs).
Senate Report No. 91-1014 accompanying S. 2985 (Committee on Interior and Insular Affairs).
Congressional Record, Vol. 116 (1970):
July 14, S. 2985 considered and passed Senate.
July 20, considered and passed House.
Aug. 4, considered and passed Senate, in lieu of S. 2985.

REPORT OF TELEPHONE CONVERSATION

DATE 9/1/91 TIME 1545 AM/PMPROJECT HALE, KALANPS PERSON ON CALL Bill Hansen☐ I CALLED ☒ S/HE CALLEDPERSON Bill RozboomORGANIZATION Div. Water Res Mgmt - HI, state of HawaiiADDRESS PO Box 373, Honolulu, HI 96809TELEPHONE NUMBER 808-548-3948

DISCUSSION HI doesn't have much of their water use registration info. computerized yet. Bill said we could get maps showing locations of all known (registered) wells - these locations are from Declaration of water Use statements. Very little surface diversion info available - maybe? large systems.

Cannot conduct polygonal searches (maybe a few yrs)
Can request info. on specific registrants (ranchers) if known for wells, not for sfc. waters.

He explained HI currently does not have water rts, only registered water uses.
Water Rts in state of infancy in Water Code.

He said to stop by in July w/ specific questions

For maps - request copies of existing quadrangles ~~we~~ showing well locations -
ask for what they have - send request to above address.

April 1, 1991

L54(479)
HALE/Water Rights

Memorandum

To: Superintendent, Haleakala National Park
From: Chief, Water Rights Branch
Subject: Hydrologist Report - Sale of Water to Tusayan

Please find the attached hydrologist report, written by William R. Hansen of my staff, which summarizes issues concerning the Town of Tusayan's request to purchase water from Grand Canyon National Park. Bill's report summarizes the history of Tusayans requests, legislation authorizing the sale or lease of National Park Service (NPS) water, NPS policies and standards for implementing and guiding the sale of NPS water, and legal opinions addressing NPS authorities to sell water to Tusayan.

Bill's report should provide you with the background information and NPS policy to deal with such requests at Haleakala National Park. If you have any questions concerning this report please call me or Bill Hansen at (303) 493-1441.

Owen Williams

Attachments

cc: WR - Kolipinski w/o attachments

April 1, 1991

L54(479)
KALA/Water Rights

Memorandum

To: Superintendent, Kalaupapa National Historic Park
From: Chief, Water Rights Branch
Subject: Water Rights Reports and Plans

Please find the enclosed example water rights reports and study plans as discussed in my recent visit to Kalaupapa National Historic Park (KALA):

- 1) Hydrologic Characterization and Inventory of Water Rights, Uses and Requirements at Great Basin National Park, Nevada, Part 1 -- Baker and Lehman Creek (Including the Study Plan).
- 2) Action Plan to Quantify Decreed Reserved Water Rights of the United States at Black Canyon of the Gunnison National Monument.
- 3) Project Plan - Assessment of Potential Impacts to Water-Related Resource Attributes, Black Canyon of the Gunnison National Monument, Colorado.
- 4) The Interagency Agreement between the National Park Service and the U.S. Fish and Wildlife Service developed to estimate changes in the riparian plant communities in response to alterations in the present flow regime of the Gunnison River.
- 5) Action Plan for Preparation of Evidence to Support Claims of the United States for Reserved and Appropriative Water Rights at Glacier National Park.
- 6) A Study Proposal - Relation Between Discharge and Distribution of Hyporheic Habitats within Selected Stream Segments in Glacier National Park, Montana.

It is our intent to produce a product similar to that described by item 1 above. If you have any questions concerning these reports or plans please contact me or Bill Hansen at (303) 493-1441.

Owen Williams



IN REPLY REFER TO:

United States Department of the Interior

NATIONAL PARK SERVICE

Haleakala National Park
P.O. Box 369
Makawao, Maui, Hawaii 96768



L54(479)

July 1, 1992

MEMORANDUM

To: Chief, Water Rights Branch
Fort Collins

From: Superintendent, HALE

Subject: Haleakalā National Park/Kaupō Ranch Spring

As requested in your June 9 memorandum, enclosed is a USGS 1:24,000 topo map showing the location of the spring from which water is piped to supply Kaupō Ranch and nearby residences.

Donald W. Reeser

Enclosure



United States Department of the Interior

NATIONAL PARK SERVICE

WATER RESOURCES DIVISION
301 SOUTH HOWES ST., ROOM 353
FT. COLLINS, COLORADO 80521

June 9, 1992



IN REPLY REFER TO:

L54(479)

HALE/Water Rights

Memorandum

To: Superintendent, Haleakala National Park

From: Chief, Water Rights Branch

Subject: Haleakala National Park Spring Registered by David Young
(Kaupo Ranch)

This memorandum is a result of our discussions in Portland, Oregon and summarizes our efforts concerning water rights for the above-mentioned spring. The Water Resources Division requested information from the State of Hawaii, Department of Water Resource Management on registered water diversions within the boundaries of Haleakala National Park (HALE) and Kalaupapa National Historical Park (KALA). The State responded (attached) with information only on registered ground water wells for HALE (apparently misunderstanding our request was also for registered surface water diversions, which they did not supply). However, in a phone conversation with Bill Rozeboom of the State's staff, it was indicated that the State will review the existing registration for the spring if the NPS were to provide the State with a map showing the HALE boundary and the location of the spring in question.

Please provide us with a USGS 1:24,000 scale map with location reference marks (latitude, longitude) showing HALE's boundary and the location of the spring in question. We will contact the State to acquire what information they have. We will subsequently contact you, once we know who holds rights in the spring, for a decision on whether or not to request that the State register the NPS as a user of the spring or co-register it with Kaupo Ranch if they are already registered.

Attachment

cc: WR - Kolipinski
479 - Hansen



JOHN WAIHEE
GOVERNOR OF HAWAII



STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
DIVISION OF WATER RESOURCE MANAGEMENT

P. O. BOX 373
HONOLULU, HAWAII 96809

MAY 15 1991

WILLIAM W. PATY, CHAIRPERSON
BOARD OF LAND AND NATURAL RESOURCES

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MANABU TAGOMORI
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LAND MANAGEMENT
STATE PARKS
WATER RESOURCE MANAGEMENT

Mr. William R. Hansen
U.S. Department of the Interior
National Park Service
Water Resources Division
301 South Howes St., Room 353
Ft. Collins, Colorado 80521

Our File: US PARKS MAUI
Your File: L54(479)
HALE/Water Rights
KALA/Water Rights

Dear Mr. Hansen:

Well Locations, Haleakala and Kalaupapa

This is in response to your letter of May 3, requesting information on well locations and water rights permits and applications within Haleakala National Park and Kalaupapa National Historical Site. Enclosed please find maps showing the locations of wells known to exist in your areas of interest.

Within Haleakala National Park, there appears to be only a single registered well, well number 6-3903-03. This well was registered by the National Park Service (NPS) as being capped and not operating. We have spoken with Jeff Hughes of your office regarding the additional location information that we would require to address your question on whether any of Kaupo Ranch's (David Young) surface water sources are on lands which have recently been acquired by the NPS.

Within Kalaupapa National Historical Site, well number 4-1058-01 was registered by the NPS as having a 300 gpm pump and being used for municipal supply at Kalaupapa. Two additional wells, numbers 4-1058-02 and 03, are not in use due to low yield. All of these wells are located on land owned by the State of Hawaii.

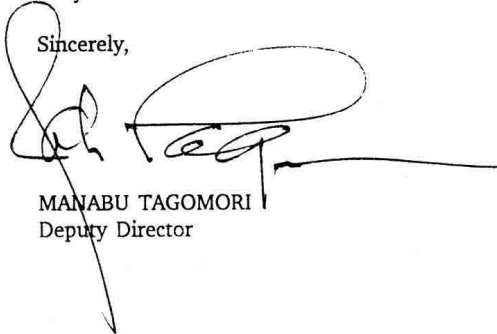
Also within Kalaupapa National Historical Site, there are five wells and four diversions in Waikolu Valley which were registered by the State Department of Agriculture and which supply irrigation water to central Molokai via the Molokai Irrigation System (MIS). The yield from this system from 1983 through 1987 ranged from approximately 0.5 to 4.5 million gallons per day. All of the MIS wells and diversions are located on land owned by the State of Hawaii.

Mr. William R. Hansen
Page 2

MAY 15 1991

As discussed with Mr. Hughes, the State of Hawaii presently does not administer water resources in terms of water rights permits. Under the State Water Code, the closest we would come to this would be the issuance of water use permits in designated water management areas. As no areas of Maui or Molokai are presently designated as water management areas, there are no existing water use permits in your areas of interest. A copy of the State Water Code is enclosed for your reference.

Sincerely,

A handwritten signature in black ink, appearing to read 'Manabu Tagomori', is written over the typed name. The signature is fluid and cursive, with a long horizontal stroke extending to the right.

MANABU TAGOMORI
Deputy Director

Enc.: Well map sheets with data (3)
State Water Code



United States Department of the Interior

NATIONAL PARK SERVICE
PACIFIC AREA OFFICE
300 Ala Moana Blvd., Box 50165
Room 6305
Honolulu, Hawaii 96850

IN REPLY REFER TO:

D5031(PAAR)

May 15, 1991

Memorandum

To: William R. Hansen, Water Resources Division
From: Director, Pacific Area
Subject: Kalaupapa Water Rights/Lands

I've misplaced my notes, but a guy at the State Department of Land and Natural Resources (Henderson??) asked me to send you material on lands and jurisdiction at Kalaupapa.

We (NPS) own in fee simple about 22 acres (Tract 101-02) out by the lighthouse. There we have proprietary jurisdiction. Another tract above the pali (cliff) (Tract 101-05) lies within the park boundary but is privately owned.

All the rest is in Kalawao County -- a peculiar county indeed. By State of Hawaii statute, Kalawao County is under sole jurisdiction of the State Director of Health. The National Park Service operates on those lands under a Cooperative Agreement with him. Thus, we have no "jurisdiction" in a strictly legal sense, not even proprietary. Attached is a copy of the cooperative agreement.

Parcel 101-04 is more peculiar. It overlays the Kalawao County State lands, but by U. S. Public Law is "Hawaiian Homes Lands." Maybe an analogy might be Navajo lands in Utah and Arizona -- or maybe not.

We are attempting to negotiate a lease for 101-04 with Hawaiian Homes to use their lands for the park. These negotiations have been underway for a dozen years.

To my knowledge we don't have other parks with land tenure and jurisdiction like that at Kalaupapa. I'm glad.

Bryan Harry

Enclosures

JOHN WAIHEE
GOVERNOR OF HAWAII



STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
DIVISION OF WATER RESOURCE MANAGEMENT

P. O. BOX 373
HONOLULU, HAWAII 96809

MAY 15 1991

WILLIAM W. PATY, CHAIRPERSON
BOARD OF LAND AND NATURAL RESOURCES

DEPUTIES

KEITH W. AHUE
MANABU TAGOMORI
DAN T. KOCHI

AQUACULTURE DEVELOPMENT
PROGRAM
AQUATIC RESOURCES
CONSERVATION AND
ENVIRONMENTAL AFFAIRS
CONSERVATION AND
RESOURCES ENFORCEMENT
CONVEYANCES
FORESTRY AND WILDLIFE
HISTORIC PRESERVATION
PROGRAM
LAND MANAGEMENT
STATE PARKS
WATER RESOURCE MANAGEMENT

Mr. William R. Hansen
U.S. Department of the Interior
National Park Service
Water Resources Division
301 South Howes St., Room 353
Ft. Collins, Colorado 80521

Our File: US PARKS MAUI
Your File: L54(479)
HALE/Water Rights
KALA/Water Rights

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Well Locations, Haleakala and Kalaupapa

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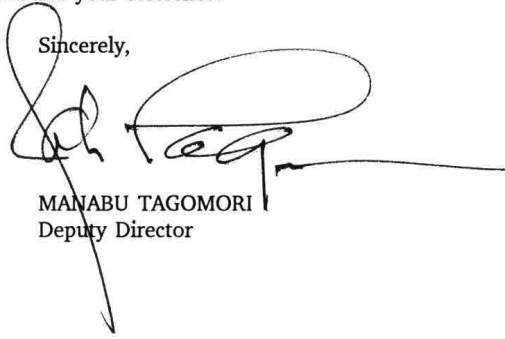
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Mr. William R. Hansen
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MAY 15 1991

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Sincerely,

A handwritten signature in black ink, appearing to read 'Manabu Tagomori', with a long horizontal flourish extending to the right. A vertical line is drawn through the signature, extending from the top of the 'Sincerely,' and ending below the printed name.

MANABU TAGOMORI
Deputy Director

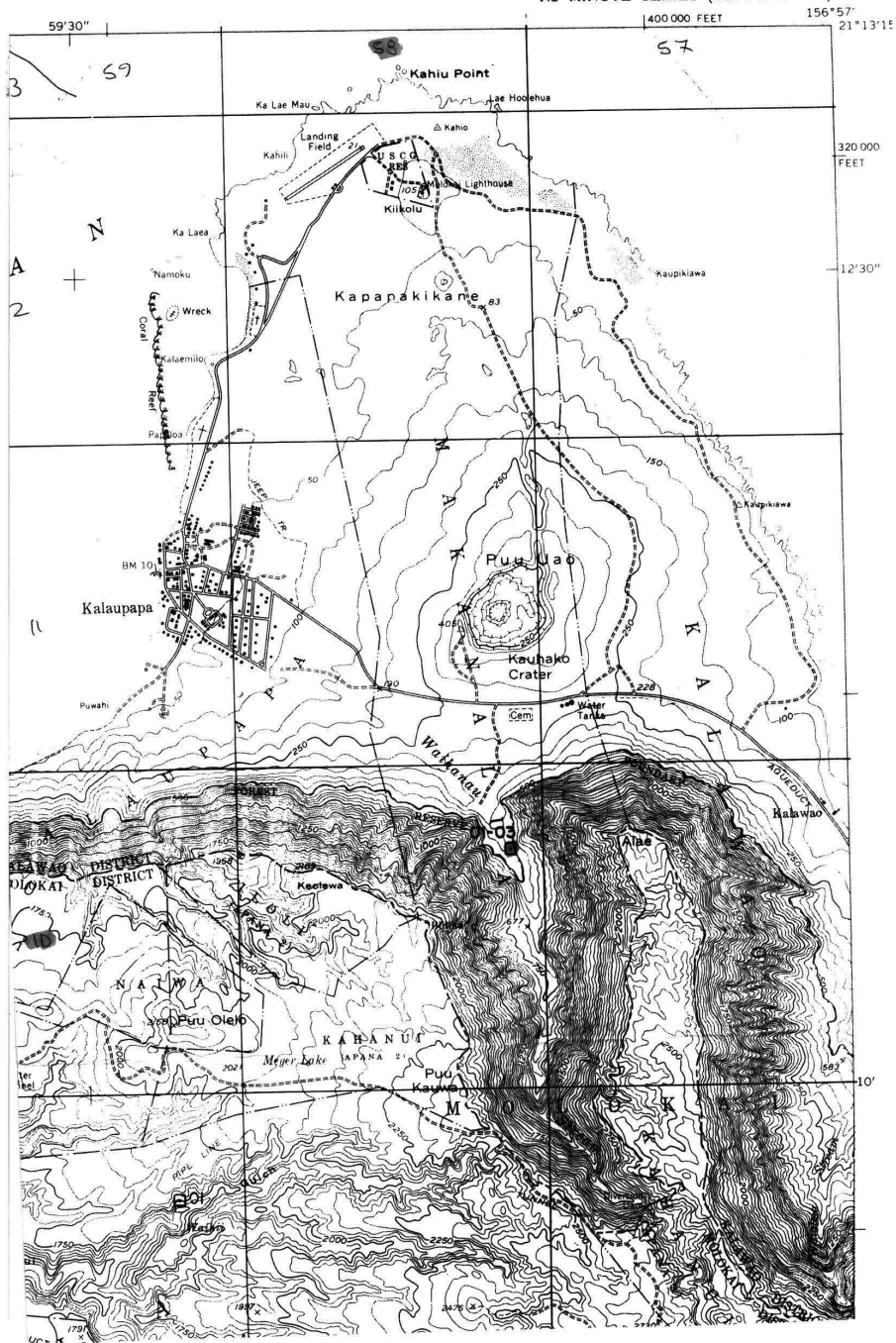
Enc.: Well map sheets with data (3)
State Water Code

STATE OF HAWAII / DEPARTMENT OF LAND AND NATURAL RESOURCES / DIVISION OF WATER RESOURCE MANAGEMENT
GROUND WATER INDEX AND SUMMARY
FEBRUARY 5, 1991

ISLAND CODE 4: MOLOKAI

WELL NUMBER	NAME OR LOCATION	QUAD MAP	OWNER OR USER	YEAR DRLD	DRILLER	COORDINATES LAT LONG	PHYSICAL DATA				ELEVATIONS IN FEET				INITIAL TEST		PUMP TEST RESULTS				WATER SUPPLY				WELL NUMBER
							TYPE	C&G	TOTAL	CONS	DIA	DEPTH	IN	FT	GRND SURF	BOTT SOLID	BOTT PERF	BOTT OF	STAT HEAD	CHLOR MG/L	PUMP RATE	DRAW DOWN	SPEC CAP	CHLOR MG/L	
4-0706-01	SO ROOLEUA	02	HANN ROMES COM			210737 1570620	DUG	12	140	125		-15		1400										LOS, 47	4-0706-01
4-0706-02	SO ROOLEUA DUG	02	MOLOKAI RANCH			210707 1570622	DUG	25	23			-2		799										UNU, 47	4-0706-02
4-0801-01	KAILUJMAI	03	HANN HOME LAND	1948	MULLIN	210856 1570112	14	1095	1005 -4	-90	-90	10.7			422	2.3	183	120	20.8		0.1, 76	83, 76	26, 76	DCM, 72	4-0801-01
4-0801-02	KAILUJMAI 2	03	SARAJIAN ROMES	1979	WAT RES INTL	210857 1570107	NOT 14	1100	1011 -29	-89	-89	7.8	70	800	5.4	148	76	20.0						4-0801-02	
4-0801-03	KIALAPU MAUKA	03	MAUI DWS	1987	ROSCOE MOSS	210857 1570117	PER 14	1136	1037 10	-40	-99	11.7		1000	10.7	93	70	21.1						4-0801-03	
4-0807-01	PALAAU	02	MOLOKAI RANCH	1975	ROSCOE MOSS	210827 1570711	PER 12	395	348 -27	-47	-47	3.0		580	24.5	24	1363							4-0807-01	
4-0855-01	WAIKOLU TUN WELL	04	STATE DONALD	1961	SAMSON-ERBE	210827 1565533	NOT 12	400	992 988	696	592	98.8	13	800	8.4	95			1.50					IRR, 61	4-0855-01
4-0855-02	WAIKOLU VALLEY 1	04	STATE DONALD	1961	SAMSON-ERBE	210847 1565519	NOT 12	300	904 804	604	604	866.5	15	1005	41.0	25			1.50					IRR, 61	4-0855-02
4-0855-03	WAIKOLU VALLEY 2	04	STATE DONALD	1961	SAMSON-ERBE	210839 1565514	12	300	965 865	665	665	947.0	10	1000	11.0	91			1.50					IRR, 00	4-0855-03
4-0857-01	LUULORI TUNNEL	03	MOLOKAI RANCH			210836 1565720	TUN		2780											0.0, 47				4-0857-01	
4-0857-02	LUULORI TUNNEL	03	MOLOKAI RANCH			210837 1565719	TUN		2800															4-0857-02	
4-0858-01	WAILOLE TUNNEL	03	MOLOKAI RANCH			210856 1565814	TUN		2200											0.0, 47				4-0858-01	
4-0901-01	KALUALOHE	03	KALUAKOI CORP	1950	MULLIN	210903 1570130	18	1064	981 111	-25	-83	10.6	113	800	5.0	160			1.15	0.3, 76	110, 53	30, 66	IRR, 72	4-0901-01	
4-0902-01	KUALAPU	03	DEL MONTE CORP	1946	CANAY DRUG CO	210929 1570218	12	867	889 2	-78	-78	10.5	987	200	5.0	40	375							4-0902-01	
4-0905-01	AIRPORT T HOLE	02	USGS	1938	BRITZER	210918 1570527	NOT 1	415	398		-15	-17	5.0	624							657, 49	114, 38	ONS, 45	4-0905-01	
4-0915-01	PAPOHAKU BEACH	01	KALUAKOI CORP	1974	WAT WHITON	210951 1571540	NOT 4	60	48		-12	6.7											IRR, 74	4-0915-01	
4-0959-01	WAIKOLU TUNNEL	03	MOLOKAI RANCH			210940 1565913	TUN		1650															4-0959-01	
4-1000-01	WAIKOLU TUNNEL	03	MOLOKAI RANCH			211041 1570011	TUN		1550										0.29					4-1000-01	
4-1000-02	WAIKOLU TUNNEL	03	MAUI COUNTY			211020 1570005	TUN		1600											0.0, 76				DCM, 47	4-1000-02
4-1000-03	WAIKOLU TUNNEL	03	MAUI COUNTY			211020 1570001	TUN		1600															4-1000-03	
4-1001-01	WAIKOLU TUNNEL	03	MOLOKAI RANCH			211056 1570158	TUN		1000										0.72					OTS, 00	4-1001-01
4-1011-01	KAKAAKO GULCH	02	MOLOKAI RANCH	1945		211020 1571155	6	540	503 106	-14	-37	5.6	2900					33.9	0.10	0.0, 49	3442, 45			UNU, 45	4-1011-01
4-1014-01	PAPOHAKU GULCH 2	01	KALUAKOI CORP	1974	WAT WHITON	211029 1571446	NOT 70	43			-7	5.6												IRR, 74	4-1014-01
4-1058-01	KALAUAPAPA 1	03	KAUAI NATL PE	1983	M-W (BIG ISL)	211044 1565807	PER 10	582	472 -23	-104	-110	9.0	20	156	5.0	31	22	20.6						UNU, 84	4-1058-01
4-1058-02	KALAUAPAPA 2	03	KAUAI NATL PE	1983	M-W (BIG ISL)	211044 1565807	PER 10	194	472 388	288	278	297.0	20											SLD, 84	4-1058-02
4-1058-03	KALAUAPAPA 3	03	KAUAI NATL PE	1983	M-W (BIG ISL)	211044 1565807	PER 10	150	472 410	327	322	410.0		11	75.0	0	20	20.6		0.0, 47				SLD, 84	4-1058-03
4-1059-01	WAIKOLU TUNNEL	03	MAUI COUNTY			211002 1565948	TUN		1780															DCM, 47	4-1059-01
4-1109-01	WAIKOLU DUG WELL	02	MOLOKAI RANCH			211149 1570950	DUG	31	29		-2		4840											UNU, 47	4-1109-01
4-1114-01	KAKAAKO GULCH 3	01	KALUAKOI CORP	1974	WAT WHITON	211126 1571434	NOT 93	76			-17	1.0												IRR, 75	4-1114-01
4-1114-02	POKAKU MAULULI 4	01	KALUAKOI CORP	1974	WAT WHITON	211150 1571449	NOT 70	63			-7	9.4												IRR, 74	4-1114-02

END OF ISLAND CODE 4: MOLOKAI



STATE OF HAWAII / DEPARTMENT OF LAND AND NATURAL RESOURCES / DIVISION OF WATER RESOURCE MANAGEMENT
GROUND WATER INDEX AND SUMMARY
FEBRUARY 5, 1991

ISLAND CODE 4: MOLOKAI

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							TYPE CSG DIA	TOTAL DEPTH IN FT	GRND SURF	BOTTY SOLID CASE	BOTTY OFF HOLE	STAT HEAD	CHLOR MG/L	PUMP RATE GPM	DRAIN DOWN CM	SPEC CONC MG/L	WATR TEMP C	PUMP CAPAC MGD	DRAFT MG/L	--CHLORIDES--			MAJOR USE, YR				
																				MAX	MIN	YEAR					
4-0706-01	SO ROOLEHUA	02	BAMN BONES COM			210737 1570620	12	140	125					-15		1600										109.47	4-0706-01
4-0706-02	SO ROOLEHUA DUG	02	MOLOKAI RANCH			210707 1570622	DUG	25	23					-2		799											4-0706-02
4-0801-01	KAILUMAI	03	BAMN BONES LAND	1948	MULLIN	210856 1570112	14	1095	1005	-4				-90	-90	10.7	422	2.3	183	120	20.8		0.1, 76	83, 76	24, 76		4-0801-01
4-0801-02	KAILUMAI 2	03	BAMN BONES	1979	WAT RES INTL	210857 1570107	NOT	14	1100	1011	-29			-89	-89	7.8	800	5.4	148	76	20.0						4-0801-02
4-0801-03	KIALAPU MAUKA	03	MAUI DWS	1987	ROSCOE MOSS	210857 1570117	PER	14	1136	1037	10			-40	-99	11.7	1000	10.7	93	70	21.1						4-0801-03
4-0807-01	PALAAU	02	MOLOKAI RANCH	1975	ROSCOE MOSS	210827 1570711	PER	12	395	348	-27			-47	-47	3.0	580	24.5	24	1363							4-0807-01
4-0855-01	WAIKOLU TUNNELL	04	STATE DONALD	1961	SAMSON-ZERBE	210827 1565533	NOT	12	400	982	988	696	592			98.8	800	8.4	95			1.50				4-0855-01	
4-0855-02	WAIKOLU VALLEY 1	04	STATE DONALD	1961	SAMSON-ZERBE	210847 1565519	NOT	12	300	904	804	604	604			866.5	1005	41.0	25			1.50				4-0855-02	
4-0855-03	WAIKOLU VALLEY 2	04	STATE DONALD	1961	SAMSON-ZERBE	210839 1565514	NOT	12	300	965	865	665	665			947.0	1000	11.0	91			1.50				4-0855-03	
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4-0902-01	KIALAPU	03	DEL MONTI CORP	1946	CAMAY DRUG CO	210929 1570218	12	967	889	2	-78			-78	10.5	987	200	5.0	40	375			0.3, 76	421, 63	229, 62		4-0902-01
4-0905-01	AIRPORT T HOLE	02	USGS	1938	REITER	210918 1570527	NOT	1	415	398				-15	-17	5.0	624										4-0905-01
4-0915-01	PAPOHAKU BEACH	01	KALUAKOI CORP	1974	NAT WHITON	210951 1571540	NOT	4	60	48				-12	6.7												4-0915-01
4-0959-01	WAIKOLU TUNNEL	03	MOLOKAI RANCH			210940 1565913	TUN			1650												0.29					4-0959-01
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4-1114-01	KARAKO GULCH 3	01	KALUAKOI CORP	1974	NAT WHITON	211126 1571434	NOT	93	76					-17	1.0												4-1114-01
4-1114-02	PAPOHAKU GULCH 4	01	KALUAKOI CORP	1974	NAT WHITON	211150 1571449	NOT	70	63					-7	9.4												4-1114-02

END OF ISLAND CODE 4: MOLOKAI

July 26, 1991

Vague and random notes for a hideous operation for Waikolu stream in Kalaupapa National Historical Park:

Study on the Goby - What affect do the diversions and pumping have on the habitat of the Goby; on their range (do they need to make it further up the stream for some reason); are there stranded fish above the diversion.

Study the snail - Same reasons for studying the Goby. Departure Analysis type approach.

Study Prawn habitat - See if the diversions and pumping make a more favorable habitat for the Prawns to survive in and outcompete the Gobies.

Estuary Studies - Is there anything in the estuary area that relies on the balance of fresh water to salt water? Need to find out. May be a whole bunch of critters and vegetation that would be affected by salt water intrusion.

Aesthetics Study - Possible to do a Jon Burley study on what the stream looks like with water and without water.

Archaeologic Study - Possible to relate water needs to Taro farming. There is an archaeologic report in the Fish and Wildlife Service notes that mentions old agricultural terraces near some of the well sites. I'm sure there are probably quite a few more.

It would be great if we could make some sort of economic benefit out of having more water in the stream. The State of Hawaii places a large emphasis on economics of water development.

Paired watershed analysis - May be difficult. Probably have to install copious amounts of rain gauges in Waikolu stream and ~~whatever other stream we study (I think that there are significant differences in rainfall in this small area and this would have to be taken into account in doing any analysis).~~ Maintenance of gauges and data collection would present a problem.

Pelekunu is most similar to Waikolu in elevation and orientation, but is a larger watershed and has been affected by a large mudslide. That one tributary would be good, if access and a good site could be worked out. Wailau stream has easier access and is unimpaired (relatively), but it seems very different than Waikolu in elevation, aspect, and probably precipitation.

It would still be nice if we could find some flow-dependant attribute to Waikolu that the "residents" had need of during their stay. Have we exhausted this approach? (See above note, think of more.)

Do we need more geologic (geohydrologic) data?



May 3, 1991

L54(479)
HALE/Water Rights
KALA/Water Rights

Mr. William Rozeboom
Division of Water Resource Management
State of Hawaii
P.O. Box 373
Honolulu, HI 96809

Re: Water right permits/applications within Haleakala National
Park and Kalaupapa National Historic Site

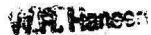
Dear Mr. Rozeboom:

As per your suggestion during our phone conversation of April 1, 1991, I am sending maps of National Park Service (NPS) units in Hawaii for you to determine if there are water right permits or applications exist within the boundaries of the above-mentioned NPS units. I request information on well locations, amount of withdrawals, type of use, priority dates, names of applicants/permittee's and any other information that you may have concerning these water rights.

Also, a local rancher named David Young may have a registered well within the boundary of Haleakala National Park. Please include the above information for water rights for Mr. Young in your package.

If you have any questions, please call me at (303) 493-1441.

Sincerely,

W.R. Hansen

William R. Hansen
Hydrologist

Enclosures

bcc: HALE - Superintendent
KALA - Superintendent
WR - Kolipinski
479 - Williams, Hughes

Maps and Miscellaneous Information



IN REPLY REFER TO:

United States Department of the Interior

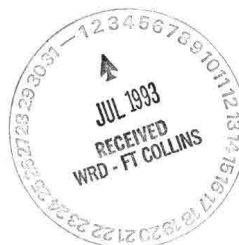
NATIONAL PARK SERVICE

Haleakala National Park
P.O. Box 369
Makawao, Maui, Hawaii 96768



L54

June 25, 1993



MEMORANDUM

To: Water Resources Division, Fort Collins
Attention: Jeff Hughes-Water Rights Branch

From: Superintendent, Haleakala N. P.

Subject: Kaupō Ranch Water

Enclosed are six color photocopies of the Kaupō water supply intake area for your records.

Donald W. Reeser

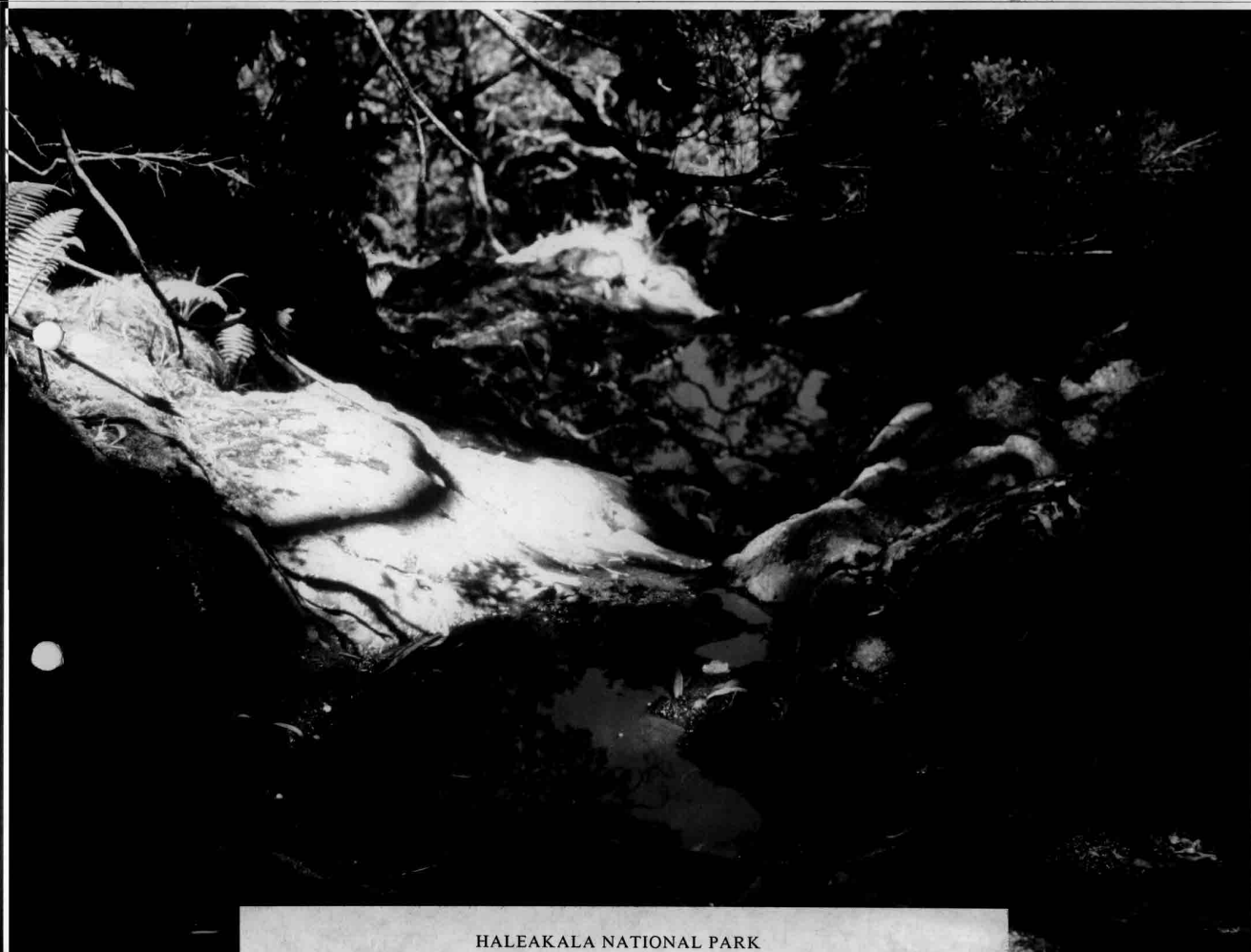
Enclosures



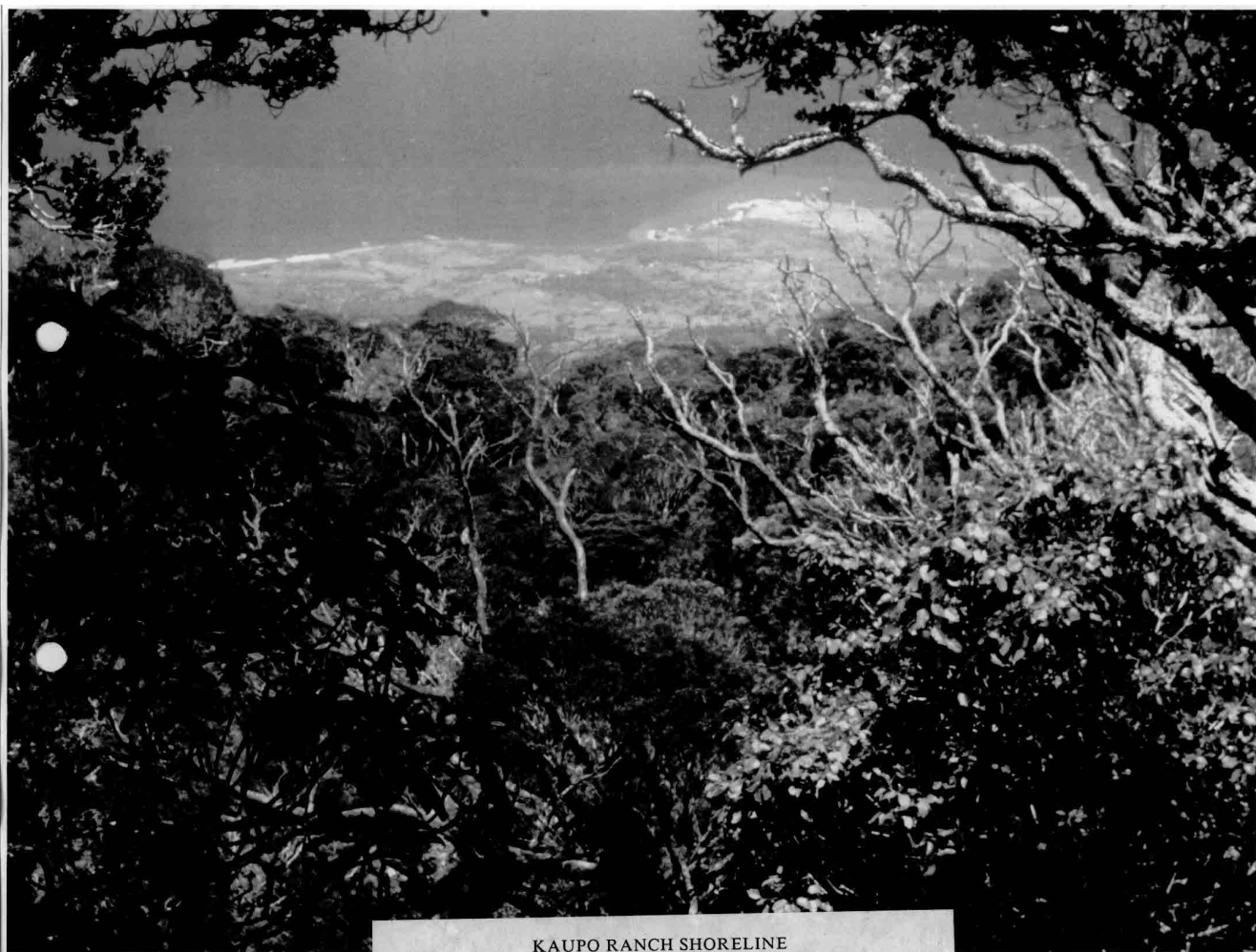
HALEAKALA NATIONAL PARK, HEALANI STREAM.
Abandoned piping to former water supply pool for Kaupo Ranch. 06/11/93



HALEAKALA NATIONAL PARK, PANILEIHULU STREAM
Kaupō water supply intake dam. 6/11/93



HALEAKALA NATIONAL PARK
Pools of Panileihulu Stream directly below Kaupō Ranch water intake dam. 06/11/93



KAUPO RANCH SHORELINE
Taken from water supply source - about 5,200' elevation. 6/11/93



HALEAKALA NATIONAL PARK
Panileihulu waterfall into pool dammed for Kaupō Ranch water supply,
5,200' elevation. 06/11/93



KIP/ JLU FOREST RESERVE, ABOUT 1000' ELEVATION.
Piping to water supply pools in Haleakala National Park. Black plastic pipe is
the only one that is carrying water at this time. 06/11/93

Docket Information

Number of Documents in Docket 83

Documents Dated from 6/15/1957 to 1/7/1994

Docket Compiled: 4/11/2011